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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Revision No.6239 of 2018
Date of Decision: 16.05.2019**

SIMRATPAL KAUR

.....Petitioner

Vs

DALJIT SINGH AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Rakhi Sharma, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. This revision petition is directed against the order dated 21.08.2018 passed by the District Judge, Tarn Taran, vide which the application under Section 24 CPC for transfer of suit for permanent injunction from the Court of Civil Judge (Jr. Divn.) Patti to the competent Court at Tarn Taran was dismissed.

[2]. At the time of issuance of notice of motion on 17.09.2017 following order was passed by this Court:-

“Learned counsel for the petitioner contends that defendant/respondent No.1 is accused of murdering four family members of the petitioner. Grandparents and parents of the petitioner were murdered by defendant/respondent No.1 who is real uncle of the petitioner. Petitioner is minor aged 06 years and has been

arrayed as party defendant in the suit for permanent injunction filed by defendant No.1 against Sub Divisional Officer Punjab State Powers Corporation Limited at Patti.

Notice of motion for 15.10.2018.

Till the next date of hearing, proceedings in the civil suit for permanent injunction titled "Daljit Singh vs Sub Divisional Officer Punjab State Powers Corporation Limited" pending in the court of Civil Judge (Junior Division), Patti shall remain stayed."

[3]. As per office report service is complete, but none has preferred to cause appearance on behalf of respondents No.1 and 2.

[4]. Having heard learned counsel for the petitioner, it can be noticed that a suit for declaration filed by the petitioner against respondent No.1 to the effect that she is owner in possession of the suit property being grand daughter of Balwinder Singh is pending in the Court of Civil Judge (Jr. Divn.) Tarn Taran. Petitioner has assailed the mutation sanctioned in favour of respondent No.1 being illegal, null and void. Respondent No.1 has allegedly committed murder of four family members of the petitioner. Grand parents and parents of petitioner were allegedly murdered by respondent No.1, who happens to be the real uncle of the petitioner.

[5]. In view of Section 25 of the Hindu Succession Act, 1956, a murderer is disqualified i.e. a person who commits

murder or abets the commission of murder shall be disqualified from inheriting the property of the person murdered, or any other property in furtherance of the succession to which he or she committed or abetted the commission of the murder.

[6]. Respondent No.1 has filed a suit for permanent injunction in the Court at Civil Judge (Jr. Divn.) Patti. The petitioner is minor aged 6 years and she has been impleaded as defendant in the said suit. The said suit has been filed against Sub Divisional Officer, Punjab State Powers Corporation Limited, Bhikhiwind, Tehsil Patti as defendant No.1, wherein petitioner has been impleaded as defendant No.2. In the said suit for permanent injunction, respondent No.1 has sought restraint order against respondent No.2 from dispossessing GPF and other ex-gratia grants of benefits of service of grand father of the petitioner except in due course of law.

[7]. The nature of relief would not create any permanent jurisdiction in the Court at Patti. Since the suit for declaration filed by the petitioner is already pending in the civil Court at Tarn Taran, therefore, it would be just and expedient that the suit for permanent injunction pending in the Court at Patti is transferred to the competent Court at Tarn Taran, where the petitioner through her guardian would appear to contest the suit on merits. Consequently, the impugned order dated 21.08.2018 passed

by the District Judge, Tarn Taran is set aside.

[8]. In view of aforesaid, this revision petition stands disposed of. Normal consequences to follow.

May 16, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No