

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

TA-326-2019 (O&M)

Date of decision: 08.04.2019

Ritu and another

...Applicants

Versus

Karambir @ Krishan and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Arav Gupta, Advocate for the applicants.

H.S. MADAAN, J. (Oral)

This application for transfer of Civil Suit titled 'Ritu and another Vs. Karambir and others' pending in the Court of Civil Judge (Sr. Divn.), Jind to any other Court situated at District Sonapat, has been filed by applicant Ritu, aged about 37 years, widow and Sonia @ Somya, aged about 10 years, minor daughter of late Dharambir, residing at Sonapat.

According to the applicants, defendants/respondents Karambir @ Krishan, real brother, Shakuntala, married sister as well as Dhanno Devi, mother of late Dharambir, have set up a Will, said to have been executed by late Dharambir in their favour. Applicant No.1 through her father has lodged an FIR against them at Jind. On the basis of the said Will, the defendants got transferred some properties of the deceased Dharambir in their favour. The applicants-plaintiffs have filed a civil suit in the Court of Civil Judge (Sr. Divn.) Jind, challenging the Will set up by the defendants. The applicants are putting up at Sonapat and it is difficult

for applicant No.1 to come from Sonapat to Jind for prosecuting the civil suit, covering a distance of about 100 kms. Father of applicant No.1 is an old person. The applicant are having financial constraints also. Therefore, the application be accepted.

I have heard learned counsel for the applicant besides going through the record.

The applicants themselves have instituted the civil suit in question in Court at Jind. In the civil suit, personal appearance of the plaintiffs on each and every dates of hearing is not necessary. They can put in appearance in the civil suit through their counsel. Under the circumstances, the proceedings between the parties are not directly touching a matrimonial dispute between the spouses. Therefore, no ground to accept the application and transfer of the civil suit is made out. The application being without merit stands dismissed.

08.04.2019
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No