

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

TA-1064-2018 (O&M)
Date of decision: 20.05.2019

Sukhbir Singh and others

...Applicants

Versus

Rajpal Singh and others

...Respondents

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

Present: Mr. Ashish Aggarwal, Advocate for the applicants.

Mr. APS Brar, Advocate for the respondents.

H.S. MADAAN, J. (Oral)

This application for transfer of civil suit titled 'Rajpal Singh and another Vs. Sukhbir Singh and others' pending in the Court of Addl. Civil Judge (Sr. Divn.) Tarn Taran to the Court of competent jurisdiction at Amritsar, has been filed by applicants Sukhbir Singh and others.

According to the applicants, the respondents have filed a suit against them, which is pending before the Court of Addl. Civil Judge (Sr. Divn.) Tarn Taran with regard to the land which falls within jurisdiction of Amritsar at Tarn Taran. Another civil suit filed by the respondent with regard to the same land is pending before the Court of Addl. Civil Judge (Sr. Divn.) Amritsar and two parallel litigation with respect to the same property cannot proceed in two different Courts. All the contesting parties are old aged persons. It would not be possible for them to travel a distance of about 50 kms on every date of hearing. Furthermore, two suits can be consolidated if those are pending in one Court, therefore, the

application be allowed.

The application is being resisted by the respondents vehemently, contending that no ground for transfer is made out and the application be dismissed.

I have heard learned counsel for the parties besides going through the record and I find that there is no merit in the application. The nature of the case, sought to be got transferred is that of civil suit, where personal appearance of the parties is not necessary and the parties can appear through their authorized agents or their counsel. Furthermore, in case, subject matter is similar in the two suits, then, proceedings in the suit filed later on can be got stayed by moving an appropriate application in the Court where suit filed subsequently is pending. Therefore, I do not see any ground to accept the application. The same stands dismissed.

20.05.2019

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(H.S. MADAAN)
JUDGE

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