

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

**T.A NO. 174 OF 2019 (O&M)
DATE OF DECISION : 14.02.2020**

Reeta

...Applicant

versus

Bhateri and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Deepak Girotra, Advocate,
for the applicant.

None for respondents No.1 to 3.

Mr. Ashwani Kumar Saini, DAG, Haryana,
for respondent No.5.

ARUN MONGA, J. (ORAL)

CM NO. 3386-CII OF 2020

For the reasons mentioned in the application, same is allowed and amended memo of parties along with additional affidavit are taken on record, subject to all just exceptions.

MAIN CASE

The present petition has been filed by the applicant-wife seeking transfer of a petition under Section 372 of the Indian Succession Act, bearing No. SUCC/41/2018 dated 27.09.2018 titled as "Bhateri and others v. General Public and others" filed by respondents No.1 to 3, pending in the Court of Civil Judge (Senior Division), Panchkula to any other Court of competent jurisdiction at Rohtak.

2. Learned counsel for the applicant submits that one case under Section 372 of the Indian Succession Act bearing No. SUCC/50/2017 dated 03.07.2017, filed by the applicant is pending in the Court at Rohtak.

3. Learned counsel for the applicant further submits that applicant is residing at Rohtak. It is very difficult for her to travel from Rohtak to Panchkula on each and every date of hearing.

4. On the last date of hearing, there was representation on behalf of the contesting respondents No.1 to 3, but today none has appeared on their behalf. It seems that they are deemed to have consented the present transfer application by not contesting the same

4. I have heard learned counsel for the applicant and have gone through the records of the case.

5. In view of the averments made in the petition and the conceded position that a petition on the same cause of action filed by the applicant is already pending in the Court at Rohtak and to avoid the conflicting judgment, it would be proper, appropriate and in the interest of justice if both the cases are tried and decided at one place.

6. In the premise, present application is allowed. The petition in question pending before the Court of Civil Judge (Senior Division), Panchkula is ordered to be withdrawn from that Court and is transferred to District Judge, Rohtak for its disposal in accordance with law by the Court concerned.

(ARUN MONGA)
JUDGE

FEBRUARY 14, 2020
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1.	Whether speaking/reasoned :	Yes/No
2.	Whether reportable :	Yes/No