

**Sr. No.205
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**TA No.208 of 2019 (O&M)
Date of Decision: 27.02.2020**

Sukhjinder Singh

... Applicant

Versus

Harjinder Singh and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Surinder Garg, Advocate,
for the applicant.

Mr. Amarbir Singh Pahwa, Advocate,
for respondents No.1 and 2.

ARUN MONGA, J.

1. The dispute herein is between two step brothers in respect of property of deceased Sh. Mohinder Singh, who is father of the applicant herein.

2. The applicant has filed the present application under Section 24 of the Code of Civil Procedure for transfer of Civil Suit No. 4846 of 2013 pending in the Court of Learned Additional Civil Judge (Senior Division) Baghapurana titled as "Sukhjinder Singh and another Vs. Harjinder Singh and others" filed by the applicant himself to the Court of learned Additional Civil Judge, Senior Division, Jaitu where another Civil Suit No. 29 of 2016 titled as "Sukhjinder Singh and another Vs. Harjinder Singh and others" which too was filed by the applicant herein is pending.

3. The parties in both the suits are same. However, the properties involved therein are situated at different places.

4. Notice of the present transfer application was sent to the step brothers/respondents i.e. Harjinder Singh and other parties.

5. Despite service, some of the respondents did not appear. While the service report states that respondents No.1 and 4 were not available at the given address. As regards the respondents who were served, this Court passed an order to proceed ex parte against them. Qua the unserved respondents notice was directed to be served by way of publication. Pursuant thereto publication was carried out in the newspaper and in the premise, it was concluded that service is complete on all the respondents. Thereafter, respondents No.1 and 2 were represented by learned counsel appearing for them.

6. Having heard rival contentions of learned counsel for the parties and without expressing any opinion on the merits of the case filed by the applicant herein, this Court is of the view that since the parties in both the Civil Suits are same and the suit properties involved therein pertain to deceased Sh. Mohinder Singh, who is stated to be the father of the applicant herein and as well as father of respondent No.1 though from his second and first marriage respectively, it would be appropriate that both suits are tried together and dispose of by the same court in order to avoid any conflicting findings and/or judgments therein.

7. In the aforesaid premise, present application is allowed. The civil suit in question pending before the Court of learned Additional Civil Judge (Senior Division), Baghapurana is

ordered to be withdrawn from that Court and is transferred to the Court where another Civil Suit No.29 of 2016 titled as “ Sukhjinder Singh and another Vs. Harjinder Singh and others” is pending before the Court of learned Additional Civil Judge, Senior Division, Jaitu for its disposal in accordance with law.

27.02.2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No