

In the High Court of Punjab and Haryana, at Chandigarh

Transfer Application No. 668 of 2021

Date of Decision: 16.09.2021

Pawanpreet Kaur

... Petitioner(s)

Versus

Bhinder Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Aayush Gupta, Advocate
for the petitioner(s).

Mr. Swarn Singh Tiwana, Advocate
for the respondents.

Anil Kshetarpal, J.

1. On 23.08.2021, the following order was passed:-

“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This petition has been filed by the daughter-in-law of respondent no.1, seeking the transfer of civil suit no.255 of 23.06.2021 titled as 'Bhinder Singh and others vs. Pawanpreet Kaur and another' pending in the court of Additional Civil Judge (Senior Division), Amloh, District Fatehgarh Sahib to the court of competent jurisdiction at Ludhiana.

The petitioner claims that she is widow of son of respondent no.1 She claims that at present, she alongwith her minor daughter, is residing with her parents at Ludhiana and cannot properly defend the suit at Amloh, District Fatehgarh

Sahib, as the distance between the two places is 55 kms.

Notice of motion for 09.09.2021.

The liberty is granted to the petitioner to serve the respondents through their counsel in District Court, Amlloh.

Dasti also”.

3. Mr. Sher Singh Tiwana, Advocate, has opposed the prayer on the ground that the respondent is 65 years of age and is suffering from heart disease.

4. In a civil suit, the parties are not required to appear on each and every date of hearing. The petitioner is a widowed daughter-in-law of respondent No.1, who is residing with her minor daughter at Ludhiana.

4. Keeping in view the aforesaid facts, the present application is allowed. The proceedings of case ***Bhinder Singh and Others v. Pawanpreet Kaur and Another, Civil Suit No. 255 dated 23.06.2021***, presently pending in the Court of the Additional Civil Judge (Senior Division), Amlloh, District Fatehgarh Sahib, are transferred to the Court of competent jurisdiction at Ludhiana. The transferor Court is requested to remit the file of the aforesaid case to the transferee Court forthwith. The parties, through their learned counsel, are directed to appear before the Court of Civil Judge (Senior Division) at Ludhiana, on 05.10.2021, who may try the case himself or assign it to any other Presiding Judge having jurisdiction.

(Anil Kshetarpal)
Judge

September 16, 2021

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No