

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA-256-2020 (O&M)
Date of decision: 16.08.2022

Gagandeep Kaur

....Petitioner

Vs.

Baljinder Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

None for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for transfer of Civil Suit No.CS/146/2019 (CIS No.CS-97-2019) filed by respondents No.1 to 4 against the petitioner and respondents No.5 & 6, pending before the Civil Judge (Sr. Divn.), Jaitu, District Faridkot to the competent Court of jurisdiction at Bathinda.

Learned counsel for the petitioner has argued that with regard a disputed Will, two suits have been filed; one by petitioner Gagandeep Kaur against the respondents, which is pending before the Civil Judge (Sr. Divn.), Bathinda and second suit is filed by respondents No.1 to 4, who are

defendants No.1 to 4 in the suit filed by the petitioner, which is pending before the Civil Judge (Sr. Divn.), Jaitu, District Faridkot. It is further submitted that as per memo of the civil suit (Annexure A-2), address of plaintiffs-respondents No.1 to 4 is given, as resident of Bathinda itself, therefore, it will be in the interest of justice to transfer the suit filed by respondents No.1 to 4, so that both the suits can be tried and decided together by the same Court on the same day.

Learned counsel has relied upon the judgments **Sumita Singh Vs. Kumar Sanjay, 2002 SC 396** and **Rajani Kishor Pardeshi Vs. Kishor Babulal Pardeshi, 2005(12) SCC 237**, wherein the Hon'ble Supreme Court observed that *while deciding the transfer application, the Courts are required to give more weightage and consideration to the convenience of the female litigants and transfer of legal proceedings from one Court to another should ordinarily be allowed, taking into consideration their convenience and the Courts should desist from putting female litigants under undue hardships.*”

Learned counsel has further relied upon **N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha, 2022 Live Law (SC) 627**, wherein the Hon'ble Supreme Court held as under: -

“The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to

consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.”

There is no representation on behalf of the respondents, despite service.

After hearing the counsel for the petitioner, considering the fact that the petitioner will have to bear the litigation expenses and transportation expenses and in view of the judgments in **Sumita Singh's** case (supra), **Rajani Kishor Pardeshi's** case (supra) and **N.C.V. Aishwarya's** case (supra) passed by the Hon'ble Supreme Court, this Court

deem it appropriate to allow the present petition, subject to the following conditions:-

1. *The Civil Suit No.CS/146/2019 (CIS No.CS-97-2019) filed by respondents No.1 to 4, pending before Civil Judge (Sr. Divn.), Jaitu, District Faridkot will be transferred to the competent Court of jurisdiction at Bathinda.*
2. *The District Judge, Bathinda will assign the said suit to the same Court, where the suit bearing No.CS/975/2019 filed by the petitioner is already pending, so that both the suits can be decided together on the same day.*
3. *The Civil Judge (Sr. Divn.), Jaitu, District Faridkot is directed to transfer all the record pertaining to the aforesaid case to District Judge, Bathinda.*
4. *The parties are directed to appear before the District Judge, Bathinda within a period of 01 month from today.*

Present petition is disposed of accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

16.08.2022

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Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No