

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA 490/2022

Date of decision:23/11/2022

Harbans Lal

.....Petitioner

Vs.

Teena and others

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.Surinder Singh Siao,Advocate for the petitioner.

None for the respondents.

Nidhi Gupta,J.

This Transfer Application has been filed by the defendant no.1/ petitioner seeking transfer of Civil Suit No.1024/2022 from Amritsar to Chandigarh titled as Teena v Harbans Lal pending in the Court of Sh. Inshan, Civil Judge (Jr.Div.-XII)Amritsar.

Despite notice, no one has put in appearance on behalf of the contesting respondents no.1/plaintiff.

It is submitted by the learned counsel that petitioner is 78 years old. Respondent no.1/plaintiff in civil suit, transfer of which is sought by way of this Transfer Application, is daughter-in-law of the petitioner.

Brief facts of the case are that the respondent no.1/plaintiff was married to petitioner's 3rd son on 12.11.2006. In 2007, petitioner's 3rd son alongwith his wife-respondent no.1 shifted to Amritsar where two children were born to them, who are aged 14 and 9 years respectively. During all this time petitioner was living at Chandigarh with his wife who died of Cancer in the year 2021 due to which petitioner is now lonely and depressed at the fag end of his life. It is alleged that after the death of wife of the petitioner, respondent no.1 alongwith her husband, who is none else than 3rd son of the petitioner, came to Chandigarh and forcibly took away original papers of petitioner's house in Chandigarh as well as papers relating to one plot owned by petitioner at Amritsar alongwith his Car and Activa scooter. It is also stated that petitioner was taken to Amritsar by his plaintiff/daughter-in-law and her husband Ram Gopal where petitioner was ill-treated and as such at his request he was brought back to Chandigarh by his eldest son. Due to all this, petitioner filed a complaint dated 12.4.2022 (Annexure P-1) to SSP Chandigarh. Now the respondent no.1 has filed a suit for permanent injunction restraining the defendants (petitioner, his two other sons, married daughter of the petitioner and her husband) through their Agents, privies, representatives, officials, attorney from interfering into the peaceful possession of the plaintiff (daughter-in-law of the petitioner) and or restraining the respondents from forcibly entering into the house of the plaintiff i.e. H.No.77, Gali No.6, Ranjit Vihar, Loharka Road, Amritsar in any manner. It is stated that what to talk of harassing or forcibly entering into the house in question, the petitioner, on his own is unable to travel from Chandigarh to Amritsar. In these circumstances, petitioner makes prayer for transfer of the civil suit from Amritsar to Chandigarh as his advanced age and

ill health does not permit him to cover the distance of about 250 kms. (one way) between Chandigarh and Amritsar.

In the peculiar facts noticed above, I deem it appropriate to allow the present petition, subject to the following conditions:-

- a) The civil suit filed by respondent no.1 /plaintiff titled as Teena v Harbans Lal pending in the Court of Civil Judge (Jr.Div.-XII) Amritsar is transferred to Chandigarh.
- b) The ld. District Judge, Amritsar is directed to transfer complete record pertaining to the aforesaid case to District Judge, Chandigarh.
- c) The parties, through their counsel, are directed to appear before the District & Sessions Judge, Chandigarh on 23.12.2022.
- d) The District Judge, Chandigarh will assign the said civil suit to a Court of competent jurisdiction.

Disposed of.

Pending application(s),if any, also stand disposed of.

23.11.2022.
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No