

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

248

TA-513-2022 (O&M)
Date of decision: 13.09.2022

Nirmala Devi**...Petitioner**

Versus

Ramnik Kumar and others**...Respondents****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Jai Bhagwan, Advocate
for the petitioner.

Mr. Gurdit Singh Saini, Advocate
for respondent No. 1.

Mr. Snajeev Kumar, Advocate
for respondent No. 2.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for transfer of the civil suit, filed by respondent No. 1, titled as ***Ramnik Kumar vs. Nirmala Devi***, pending before the Civil Judge (Jr. Divn.), Jind to the competent Court of jurisdiction at Sunam, District Sangrur.

Learned counsel for the petitioner submits that petitioner, who is aged about 78 years, is the mother of respondent-Ramnik Kumar, who has filed the aforesaid suit for permanent injunction on the basis of Will No. 19 dated 17.04.2009, which was executed by the husband of the petitioner, namely Late Sohan Lal, in favour of the petitioner.

Learned counsel for the petitioner further submits that with regard to same Will, another suit has been filed by the other son of the petitioner, namely Rohit Goyal, which is pending before the Additional

Civil Judge (Sr. Divn.), Sunam and the same Will is challenged in this suit as well.

Learned counsel for the petitioner further submits that even respondent/plaintiff Ramnik Kumar has also filed another suit regarding recovery of possession of some property at Sunam, in which also the same Will is challenged.

Learned counsel for the petitioner further submits that since both the aforesaid suits have been filed by the sons of the petitioner challenging the same Will, which was executed by the husband of the petitioner in her favour, in order to avoid conflict of opinion as well as for the convenience of the parties, it will be in the interest of justice, in case the suit in question is also transferred to Sunam, so that both the suits may be decided together.

Learned counsel for respondent No. 1 could not dispute that another suit filed by him as well as the suit filed by his brother Rohit Goyal are already pending at Sunam and in both the suits, challenged is laid to the same Will.

After hearing the counsel for the parties, considering the the fact that the petitioner is an old aged lady and also in view of the fact that two suits are already pending at Sunam, where the petitioner is residing, the present petition is allowed, with the following directions:-

- (i) *The aforesaid civil suit filed by respondent No. 1, pending before the Civil Judge (Jr. Divn.), Jind will be transferred to the competent Court of jurisdiction at Sunam, District Sangrur.*
- (ii) *The District Judge, Sangrur will assign all the three suits to one Court, so that they may be*

decided together, in order to avoid any conflict of judgments.

- (iii) The Civil Judge (Jr. Divn.), Jind is directed to transfer all the record pertaining to the aforesaid suit to District Judge, Sangrur.*
- (iv) The parties are directed to appear before the trial Court at Sunam within a period of 01 month from today.*

13.09.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>