

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA-767-2022 (O&M)
Date of decision: 14.09.2022

Sonu Singh (deceased) through LRs

....Petitioner

Vs.

Sada Ram Yadav and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Neeraj Gupta, Advocate
for the petitioners.

None for the respondents.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for transfer of Civil Suit No.215 of 2022 titled as Sada Ram Yadav Vs. Smt. Sonu Singh and another, pending before the Civil Judge (Sr. Divn.), Palwal to the competent Court of jurisdiction at Gurugram.

Learned counsel for the petitioners has argued that the petitioners have filed Civil Suit No.3568 of 2021 before the Civil Court at Gurugram with regard to succession of Smt. Sonu Singh, who along with her children, died in a tragic accident on 30.06.2019 and as per succession under the Hindu Succession Act, the petitioners have set up a case that they

are entitled to succeed the property held by Smt. Sonu Singh and her husband Parkash Singh. It is further submitted that even a cross-suit bearing CS No.3711 of 2019 has also been filed by Seema Sundd and others against General Public and another with regard to same relief and virtually, both the suits filed by the petitioners and Seema Sundd and others are in the shape of cross-suits, where right of succession is to be decided.

Learned counsel further submits that now respondent Sada Ram Yadav has filed Civil Suit No.215 of 2022 against Smt. Sonu Singh and another, where the petitioners have been impleaded her legal representatives, praying for a decree of possession by way of specific performance of an agreement to sell with regard to part of the property, which is subject matter in the first suit (Civil Suit No.3568 of 2021) filed by the petitioners and in second suit (Civil Suit No.3711 of 2019) filed by Seema Sundd and others, therefore, for all intents and purposes, all three suits need to be decided together to enable the parties to lead proper evidence.

Despite notice, no one has opted to appear on behalf of the respondents.

After hearing learned counsel for the petitioners and considering the facts and circumstances of the case as well as the fact that before granting a decree of specific performance of contract in favour of respondent-plaintiff Sada Ram Yadav, the Court is to record a finding that as to who has succeeded the estates of Smt. Sonu Singh, therefore, outcome of

Civil Suit No.3568 of 2021 and Civil Suit No.3711 of 2019 will have direct bearing on final disposal of the Civil Suit No.215 of 2022, this petition is allowed, subject to the following conditions:-

- 1. The Civil Suit No.215 of 2022 titled as Sada Ram Yadav Vs. Smt. Sonu Singh and another, pending before the Civil Judge (Sr. Divn.), Palwal will be transferred to the competent Court of jurisdiction at Gurugram.*
- 2. The District Judge, Gurugram will assign Civil Suit No.215 of 2022 to the same Court, where Civil Suit No.3568 of 2021 and Civil Suit No.3711 of 2019 are already pending, so as to enable the Court to pass a final judgment on a single day.*
- 3. The Civil Judge (Sr. Divn.), Palwal is directed to transfer all the record pertaining to Civil Suit No.215 of 2022 to District Judge, Gurugram.*
- 4. The parties are directed to appear before the District Judge, Gurugram within a period of 01 month from today.*

Present petition is disposed of accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

14.09.2022

vishnu

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No