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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.476 of 2020 (O&M)
Date of decision: 21.09.2022

Kaushal and another

....Petitioners

Versus

Sukhdev Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vivek K. Thakur, Advocate
for the petitioners.

None for respondents No.1 and 2.

Mr. Aseem Aggarwal, Advocate
for respondent No.3.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for transfer of the civil suit titled as "*Sukhdev Singh vs Northern Railway*" from the Court of Civil Judge (Jr. Division), Ludhiana, to the Court of competent jurisdiction at Nakodar, District Jalandhar.

Counsel for the petitioners has argued that the marriage of petitioner No.1 was performed with Sukhjinder Singh on 06.01.2017 and petitioner No.2 was born on 29.11.2017. It is further submitted that the husband of the petitioner was working as an Assistant Loco Pilot with respondent No.3 i.e. Northern Railways and unfortunately, he died while in service. It is also submitted that now respondents No.1 and 2, who are the father-in-law and mother-in-law of petitioner No.1 have filed a civil suit for declaration praying for a decree that they have a share and right in the service terminal benefits like gratuity, provident

fund, leave encashment, insurance claim, etc. from the services of their son Sukhjinder Singh, who died on 25.03.2020 and therefore, a declaration be granted that they are also entitled to their share. It also contended that even further prayer in this petition is to grant a decree of mandatory injunction directing the employer not to give compassionate job to the petitioner No.1, being wife of Sukhjinder Singh. It is further argued that the petitioner has already joined the job offered by the Northern Railways as compassionate appointment and being the wife and a minor daughter, the petitioners are entitled to their share of monetary benefits. Lastly, it is submitted that since the petitioner No.1 has to take care of her minor daughter, aged about 5 years, who is living in her care and custody and there is no one in the family to look after her, the civil suit be transferred from the Court of Civil Judge (Jr. Division) Ludhiana to the Court of competent jurisdiction at Nakodar, District Jalandhar.

As noticed above, there is no representation on behalf of respondents No.1 and 2 for the last two dates of hearing.

Counsel appearing for respondent No.3 has not disputed the *inter se* dispute between the contesting parties.

In view of the above, the present petition is allowed and the civil suit titled as “*Sukhdev Singh vs Northern Railway*” is ordered to be transferred from the Court of Civil Judge (Jr. Division) Ludhiana to the Court of competent jurisdiction at Nakodar, District Jalandhar, subject to the following conditions:-

- 1. The Civil Suit titled as “Sukhdev Singh vs Northern Railway” pending before the Court of Civil Judge (Jr.*

Division) Ludhiana, will be transferred to the competent Court of jurisdiction at Camp Court Nakodar, District Jalandhar.

- 2. The District Judge, Jalandhar, will assign the said petition to the competent Court of jurisdiction.*
- 3. The Civil Judge (Jr. Division), Ludhiana is directed to transfer all the record pertaining to the aforesaid case to District Judge, Jalandhar.*
- 4. The parties are directed to appear before the trial Court, Nakodar, District Jalandhar, within a period of 01 month from today.*

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

21.09.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No