

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA-778-2019 (O&M)
Date of decision: 08.08.2022

IFFCO TOKIO General Insurance Co. Ltd.

....Petitioner

Vs.

Lalita and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vishal Aggarwal, Advocate
for the petitioner.

Mr. Baljeet Beniwal, Advocate
for respondent No.4.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition, filed by the Insurance Company, is for transfer of MACT case No.12 of 2017 filed by respondent No.1, mother of deceased Sonu Sharma, pending before the MACT, Palwal and MACT No.198 of 2016, filed by respondents No.2 & 3, Aman and Ronak Sharma, wife and son of deceased Sonu Sharma, respectively, to one Tribunal, having the competent jurisdiction, as two separate sets of claim petitions have been filed before two different Tribunals with regard to untimely death of Sonu Sharma.

This petition is pending since 2019 and there is stay of

proceedings before the Court below, as per the order dated 09.09.2019.

Learned counsel for the petitioner has argued that since the evidence in both the claim petitions is to be recorded with regard to same incident, the both these cases be either transferred to Faridabad or Palwal so that there may not be any ambiguity in the evidence led by the parties.

Though interim order continuing since 2019, as reflected in the last order, which is a deemed service upon respondents No.1 to 3/claim petitioners before the Tribunals, however, as per report submitted by the Civil Judge (Sr. Divn.), Faridabad, despite repeating visiting the address of Ronak Sharma son of deceased Sonu Sharma and Aman widow of deceased Sonu Sharma, it is found that they are not residing at the given address.

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 socioeconomic 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.”

Learned counsel for respondent No.4 has no objection.

After hearing the counsel for the parties and considering the fact that there are two different sets of claim petitions filed by respondents No.1 to 3 i.e. mother, widow and son of deceased Sonu Sharma and also in view of **N.C.V. Aishwarya's** case (supra) passed by the Hon'ble Supreme Court, it will be in the interest of justice that MACT Case No.198 of 2016 filed by Aman and Ronak Sharma, widow and son of deceased Sonu Sharma, respectively, to MACT, Palwal.

Accordingly, this petition is allowed, subject to the following conditions:-

- 1. The MACT Case No.198 of 2016 filed by Aman and Ronak Sharma, widow and son of deceased Sonu Sharma,*

respectively, will be transferred to the MACT, Palwal.

2. *The MACT, Faridabad is directed to transfer all the record pertaining to the aforesaid case to MACT, Palwal.*
3. *The parties are directed to appear before the MACT, Palwal within a period of 01 month from today.*

Present petition is disposed of accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

08.08.2022

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Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No