

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

**TA-1262-2021 (O&M)
Date of decision: 22.08.2022**

Kuldip Singh (deceased) through LRs

....Petitioner

Vs.

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Raj Kaushik, Advocate
for the petitioner.

Mr. D.K. Singal, Advocate
for respondents No.1 & 2.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for transfer of the proceedings filed under Section 34 of the Arbitration and Conciliation Act, pending in the Additional District & Sessions Judge, Patiala to the competent Court of jurisdiction at Fatehgarh Sahib.

Learned counsel for the petitioner has argued that the area involved in this case is identical and the land in dispute in the present case is also part of the same litigation. It is further submitted that petitions filed by other claimants/landowners stand allowed vide order dated 14.10.2021 passed in TA-191-2021 and other connected cases, by making the following

observations: -

“...Keeping in view the aforesaid facts, it is considered appropriate to transfer the objections to the Court of competent jurisdiction in the district in which the acquired land is located. This order has been passed keeping in view the fact that the owners who stand deprived of their land will get a sufficient opportunity for proper adjudication of their claims with regard to appropriate compensation.

While passing this order, this Court has not adjudicated upon the territorial jurisdiction of any particular Court to entertain the objection petition. It is expected that the transferee Court shall take a holistic view of the matter keeping in view the controversy involved. These proceedings are being transferred in order to enable the Court to do substantive justice...”

In the aforesaid order, it is held by this Court that as per policy dated 11.10.2021, issued by the National Highway Authority of India, the petitions will be transferred to the Court within the jurisdiction, where the land is situated.

Learned counsel for the petitioner has relied upon the judgments in **Sumita Singh vs Kumar Sanjay, 2002 SC 396** and **Rajani Kishor Pardeshi vs Kishor Babulal Pardeshi, 2005(12) SCC 237**, wherein the Hon’ble Supreme Court has observed that *while deciding the*

transfer application, the Courts are required to give more weightage and consideration to the convenience of the female litigants and transfer of legal proceedings from one Court to another should ordinarily be allowed, taking into consideration their convenience and the Courts should desist from putting female litigants under undue hardships.”

Learned counsel for respondents No.1 & 2 has not disputed the factual position.

After hearing the counsel for the parties, considering the fact that the petitioner will have to bear the litigation expenses and transportation expenses and in view of the judgments i.e. **Sumita Singh's** case (supra) and **Rajani Kishor Pardeshi's** case (supra) passed by the Hon'ble Supreme Court, this Court deem it appropriate to allow the present petition, subject to the following conditions:-

- 1. The proceedings filed under Section 34 of the Arbitration and Conciliation Act, pending before the Additional District & Sessions Judge, Patiala will be transferred to the competent Court of jurisdiction at Fatehgarh Sahib.*
- 2. The District Judge, Fatehgarh Sahib will assign the said proceedings to the same Court, where the arbitration cases filed by other claimants/landowners are pending.*
- 3. The Additional District & Sessions Judge, Patiala is directed to transfer all the record pertaining to the aforesaid case to District Judge, Fatehgarh Sahib.*

*4. The parties are directed to appear before the trial Court,
Fatehgarh Sahib, within a period of 01 month from today.*

Present petition is disposed of accordingly.

**[ARVIND SINGH SANGWAN]
JUDGE**

22.08.2022

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Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No