

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

I. TA-1176-2019 (O&M)
Reserved on : September 20, 2022
Pronounced on : September 30, 2022

Sushma Rani ...Petitioner
Vs.
Sunita Rani and others ...Respondents

II. TA-817-2019 (O&M)

Sunita Rani ...Petitioner
Vs.
Sushma Rani and others ...Respondents

CORAM : HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Parveen Chauhan, Advocate
for the petitioner (in TA-1176-2019) and
for respondent No.1 (in TA-817-2019).

Mr. Ajay Kamboj, Advocate and
Mr. Deepak Kohli, Advocate
for the petitioner (in TA-817-2019) and
for respondent No.1 (in TA-1176-2019)

ARVIND SINGH SANGWAN, J.

Prayer in TA-1176-2019 titled as 'Sushma Rani Vs. Sunita Rani and others' has been made to transfer the petition filed under Section 372 of the Indian Succession Act titled 'Sunita Rani Vs. General Public and others from the Civil Judge (Senior Division), Sirsa, to the court of competent jurisdiction at District Sonapat. Whereas, in TA-817-2019 titled as 'Sunita Rani Vs. General Public' a prayer has been made to transfer the petition filed under Section 372 of the Indian Succession Act,

pending in the Court of Civil Judge (Senior Division), Sonapat, to the competent Court at Sirsa.

Both the above mentioned petitions are pending since 2019 and in both the sets of petitions, the petitioners are claiming themselves to be the wives of one Bhupinder Kumar, who died in harness. Bhupinder Kumar was serving as a Head Electrician in the Haryana Roadways, Fatehabad Depot, Fatehabad and both the petitioners have filed separate applications for grant of 'Succession Certificate' in respect of service benefits, family pension, leave encashment, GPF and GIS etc., along with the other consequential benefits.

Both the respective counsel for the petitioner(s) have submitted that the petitioners are the first wife of deceased Bhupinder Kumar. It is stated by counsel for petitioner-Sushma Rani that she was appointed as a Head Constable in Delhi Police and performed marriage with Bhupinder Kumar on 26.7.1991 and a son, namely, Gaurav Setia was born in the year 1993. Some litigation under Section 9 of the Hindu Marriage Act remained pending between them. Thereafter, she, along with her son Gaurav Setia also filed a petition under Section 125 Cr.P.C. and lodged FIR No.103 dated 24.3.2014 under Sections 449, 506, 420, 467, 468 and 471 IPC, as he performed second marriage with Sunita Rani. It is stated that Bhupinder Kumar died on 21.1.2019 and then she filed petition under Section 372 of the Indian Succession Act before the competent Court at Sonapat.

Counsel for petitioner Sunita Rani has argued that from the marriage of the petitioner and Bhupinder Kumar, two sons, namely, Ajay and Aman were born, who are living with her and without seeking divorce, Bhupinder Kumar performed second marriage with Sushma Rani.

On the death of Bhupinder Kumar, she has also filed a petition under Section 372 of the Indian Succession Act at Sirsa.

The undisputed fact emerges is that both petitioners, Sushma Rani and Sunita Rani are claiming themselves to be the first wife of Bhupinder Kumar and secondly, both of them have filed separate petitions under Section 372 of the Indian Succession Act regarding the service benefits of Bhupinder Kumar. Petitioner-Sushma Rani has filed the petition at Sonapat, whereas Sunita Rani has filed it at Sirsa.

After hearing learned counsel for the parties; as no consensus has been arrived at for transfer of the petitions to one particular Court and in order to avoid any conflicting view, as the Court has to record a finding as to who is the legally wedded wife of Bhupinder Kumar, it will be in the interest of justice that both the petitions are transferred to one Court with a direction to the transferee Court that both the petitions be decided on the same day. Accordingly, it is directed that both the petitions be withdrawn from the concerned Courts at Sonapat and Sirsa and transferred to the competent Court at Rohtak, which will be the middle place for both the parties.

Therefore, both the petitions are withdrawn and transferred to the competent Court at Rohtak. The District Judge, Rohtak will assign both petitions to one Court so that both are decided on same date to avoid any conflicting view.

Both the above mentioned petitions are disposed of accordingly.

September 30, 2022
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No