

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

**CRM-M-10529-2023**

**Date of Decision: February 28, 2023**

M/S H.V. CONSTRUCTION COMPANY AND ANOTHER .....Petitioners

Versus

EMPLOYEES STATE INSURANCE CORPORATION AND ANOTHER

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

**Present:** Mr. Mukand Gupta, Advocate for the petitioners.

**HARKESH MANUJA, J. (ORAL)**

By way of present petition filed under Section 482, Cr.P.C. prayer has been made for quashing of the complaint No.COMA/889/2022 dated 09.02.2022 filed under Section 85(g) of the Employees State Insurance Act, 1948 besides praying for quashing of summoning order dated 19.04.2022 passed by Court of Chief Judicial Magistrate, Chandigarh.

Referring to the medical condition of petitioner No.2 having relying upon the prescription slips at Page 32-33 of the Paper-book (P-3/P-4), learned counsel for the petitioners submits that at this stage petitioner No.2 would restrict his prayer only regarding transfer of proceedings from the Court of competent jurisdiction at Chandigarh to the Court of competent jurisdiction at Bathinda. He further submits that the respondent-corporation even has its branch office at Bathinda and thus there would be no great inconvenience for respondents to appear and pursue their complaint at Bathinda.

Upon notice, Sh. H.S. Bhatia, Advocate appears on behalf of respondents and submits that the cause of action in the present case accrued at Chandigarh only as the impugned notices were issued to the petitioners by the regional office from Chandigarh itself.

I have heard learned counsel for the parties and gone through the paper-book. As per the advice rendered by the concerned doctors petitioner No.2 cannot travel to Chandigarh on account of obesity besides he being 70 years of age.

Accordingly, without going into the merits of the averments made in the complaint, however, considering the medical condition of petitioner No.2 and the fact that the respondents are having their branch office at Bathinda and would not be thus in a disadvantageous position so as to pursue the complaint at the Court of competent jurisdiction at Bathinda, the complaint Annexure P-1 at Page 18-A of the paper-book is hereby transferred from the Court of Ld. CJM, Chandigarh to the Court of Ld. CJM Bathinda. The parties are directed to appear before the concerned Court on 28.03.2023.

By the time, the Court of learned CJM, Chandigarh is requested to transfer the entire original record pertaining thereto, to the Court of Ld. CJM Bathinda.

The petition stands disposed of accordingly.

28.02.2023  
tejwinder

( **HARKESH MANUJA** )  
**JUDGE**