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

Civil Revision No. 1562 of 2023

Date of Decision :14.03.2023

Manpreet Kaur

... Petitioner

Versus

Puran Singh and Ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Arihant Jain, Advocate, for the petitioner.

SANJIV BERRY, J (ORAL).

The present revision petition has been filed by the petitioner assailing the impugned order dated 20.01.2023 (Annexure P-5) passed by learned District Judge, Sangrur vide which the application filed by respondents to transfer the cases have been allowed.

2. In nutshell, the case of petitioner is that she had filed a civil suit for declaration, joint possession and permanent injunction against the defendants/respondents which was pending in the Court of Additional Civil Judge, Moonak (copy of plaint Annexure P-1). She had also filed Pauper Application under Order 33 Rule 1 CPC pending in the Court of Additional Principal Judge, Family Court (Camp), Moonak (copy of plaint Annexure P-2). Besides another application under Section 125 Cr. P.C filed by her was pending in the Court of Additional Principal Judge, Family Court, Sangrur.

It is, averred that the respondent filed application for transfer of cases from Moonak to any other Court (Annexure P-3), which was contested by the petitioner by filing reply (Annexure P-4). However, learned District Judge, Sangrur passed impugned order (Annexure P-5), transferring these cases to Sangrur, which according to the petitioner is wrong and illegal and hence the petition.

3. I have heard learned counsel for the petitioner and also perused the relevant documents.

4. Petitioner Manpreet Kaur, claiming herself to be adopted daughter of respondent Puran Singh, had filed suit for declaration, joint possession and permanent injunction which was pending in the Court of Additional Civil Judge, (Sr. Division) Moonak. Admittedly, she also filed Pauper Application under order 33 Rule 1 CPC against respondent Puran Singh pending in the Court of Additional Principal Judge, Family Court (Camp) at Moonak. Another petitioner under Section 125 Cr. P.C filed by her against respondent Puran Singh is pending in the Court of Additional Principal Judge Family Court, Sangrur. By moving application Annexure P-3, the respondent sought transferring of the cases from Moonak to any other Court on the ground that the petitioner had filed different cases in the Courts at Moonak and on 12.09.2022 when the advocate of respondent had gone to Moonak from Sangrur, then the present petitioner along with one Shinda Khan and some other unknown persons started threatening him and the petitioner also prepared a video and threatened the Advocate of respondents of dire consequences. It is averred that out of three cases between the parties

filed by the petitioner Manpreet Kaur, two cases were pending at Moonak while third was pending at Sangrur.

5. On notice, reply was filed by the petitioner in the Court of Id. District Judge, wherein averments made in the application were denied being wrong and incorrect and it was submitted that the application for transfer was made just to delay the proceedings. However, pendency of the cases in the respective Court was not disputed.

6. After considering the rival contentions the learned District Judge, Sangrur passed impugned order Annexure P-5, thereby the Civil Suit pending in the Court of Additional Civil Judge (Sr. Division) Moonak was transferred to the Court of Additional Civil Judge, Sr. Division, Sangrur, while the other case under Order 33 Rule 1 CPC pending in the Court of Ms Deepti Gupta, Additional Principal Judge, Family Court Camp Moonak was transferred to the same presiding officer at Sangrur.

7. It is contended by the learned counsel for the petitioner that with the transfer of the cases from Moonak to Sangrur, it will be difficult for petitioner to contest the cases as she would have to come all the way from Moonak to Sangrur and that the impugned order is without any reason and hence illegal. However, I find no force in this argument as the perusal of the head note of the present petition itself reveals that the petitioner Manpreet Kaur is mentioned to be resident of Sohiyan road, Bajigar Basti, Sangrur. The respondent is also resident of Sangrur so that both the parties are residing at Sangrur, so no inconvenience is caused, at all to the petitioner with the transfer of cases from Moonak to Sangrur and in this manner no

prejudice is going to be caused to the petitioner. On the contrary, it would be convenient for the petitioner to pursue her cases, all being pending in the Courts at Sangrur. Even otherwise, no infirmity in the impugned order is being observed so as to call for interference by this Court. Resultantly, finding no merits in the revision petition, the same is hereby dismissed.

(SANJIV BERRY)

JUDGE

14.03.2023

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |