

CR-1692-2023(O&M)

-1-

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

CR-1692-2023(O&M)

Date of decision:-27.03.2023

Mohinder Pal Singh (since deceased) through his LRs

...Petitioners

Versus

Isher Kaur and another

...Respondents

**CORAM: HON'BLE MR.JUSTICE H.S.MADAAN**

Present: Mr.Abhimanyu Kalsi, Advocate  
for the petitioner(s).

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**H.S. MADAAN, J.**

1. Under challenge in this revision petition is the order dated 1.2.2023 passed by learned District Judge, Ludhiana vide which suit titled as 'Mohinder Singh Versus Gurmail Singh' has been transferred to the Court of Addl.Civil Judge(Sr.Divn.), Jagraon.

2. Briefly stated, facts of the case are that applicant Isher Kaur had filed an application before learned District Judge, Ludhiana for transfer of following three cases to one Court:

*1. Civil Suit bearing No.CS/1043/2021 titled as 'Gurpreet Singh versus Gurmail Singh', pending before the Court of Ms.Suman Pathak, Ld.ACJ(SD), Jagraon.*

*2. Civil Suit bearing No.CS/2953/2021 titled as 'Harjinder Singh*

CR-1692-2023(O&amp;M)

-2-

*versus Gurmail Singh and others', pending before the Court of Sh.Harsimranjit Singh, Ld.CJ(SD), Ludhiana.*

3. *Civil Suit bearing No.CS/2974/2021 titled as 'Mohinder Singh versus Gurmail Singh', pending before the Court of Sh.Gaurav Sharma, Ld.CJJD, Ludhiana.*

3. *Inter alia* in the application, the applicant contended that all these cases have arisen out of same dispute and property involved in all the cases is same, therefore these civil suits be transferred to one Court. Counsel for the applicant had made a statement that property involved in all the cases mentioned in the application was situated at village Raqba, within the jurisdiction of Civil Courts, Jagraon.

4. On notice the respondents appeared through counsel. Respondent No.1 did not oppose the application contending that he had no objection, if the cases are transferred to Civil Court at Jagraon. However, opposition came from the side of respondents No.2 and 3.

5. After hearing the counsel, learned District Judge, Ludhiana vide the impugned order dated 1.2.2023 accepted the application contending that propriety demands that all the cases be heard and decided by Civil Court at Jagraon. Therefore, cases mentioned at Sr.No.2 and 3 were withdrawn from their respective Courts and transferred to the Court of Additional Civil Judge (Sr.Divn.), Jagraon for their disposal in accordance with law.

6. Such order left Mohinder Pal Singh (since deceased) through his legal heirs aggrieved and they have approached this Court by way of

CR-1692-2023(O&amp;M)

-3-

filing the present revision petition, notice of which was issued to the respondents, who are duly served but have not turned up to offer a contest.

7. I have heard learned counsel for the revision petitioner(s) besides going through the record.

8. Learned counsel for the revision petitions(s) has contended that a suit for specific performance in respect of the property situated at village Raqba, Tehsil and District Ludhiana was filed before Civil Court at Ludhiana, whereas Isher Kaur had filed a civil suit in respect of the same property in Civil Court at Jagraon, though the said Court did not have territorial jurisdiction to entertain and try the suit in view of Section 16 CPC but learned District Judge, Ludhiana has wrongly transferred all the three cases to the Court at Jagraon.

9. After hearing learned counsel for the revision petitioner(s) and going through the records, I find that the grouse of the revision petitioners is misconceived and misplaced. Section 24 CPC deals with general power of transfer and withdrawal. It provides that on an application of any of the parties and after notice to the parties and after hearing such of them as desired to be heard, or of its own motion without such notice, the High Court or the District Court may at any stage transfer any suit, appeal or other proceeding pending before it for trial or disposal to any Court subordinate to it and competent to try or dispose of the same.

10. Here learned District Judge, Ludhiana by giving cogent and convincing reasons has transferred all the three cases to the Court of Additional Civil Judge (Sr.Divn.), Jagraon, which falls within jurisdiction

CR-1692-2023(O&amp;M)

-4-

of Ludhiana Sessions Division. It being so, Section 16 CPC does not come in the way of transfer. The transferee Court shall have the jurisdiction to entertain and try the suit as exercised by the trial Court from where the suit has been transferred.

11. Learned counsel for the revision petitioner(s) could not convince me as to how the petitioners would be prejudiced by the transfer of the cases. Therefore, I do not find any merit in the revision petition.

12. Finding no merit in the revision petition, the same stands dismissed.

Since the main revision petition has been dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

However, nothing discussion above shall have any bearing on the final merits of the case.

27.3.2023  
Brij

(H.S.MADAAN)  
JUDGE

**Whether reasoned/speaking : Yes/No**

**Whether reportable : Yes/No**