

Neutral Citation No. 2023:PHHC:116573

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

**TA-1139-2023 (O&M)
Date of decision: 05.09.2023**

Anita**...Petitioner****Versus****Veena Kumari and others****...Respondents****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. G. C. Shahpuri, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for transfer of the Civil Suit No. 105/2023, filed by respondent Nos. 1 and 2, tiled as ***Smt. Veena and another vs. State of Haryana and others***, from the Court of Civil Judge, Shahabad, District Kurukshetra to Yamuna Nagar at Jagadhri.

Learned counsel for the petitioner submits that the petitioner, who is the widow of Yogesh Kumar, has filed a civil suit for mandatory injunction before the civil Court at Jagadhri with a prayer that she is entitled to all the service benefits of her late husband including Group Insurance, Employer Provident Fund, Balance wages, PF, Leave Encashment, Ex-gratia, compensation, Grutuity and all other benefits and in the suit, respondent No. 1 Veena Kumari, who is mother-in-law of the petitioner, is arrayed as defendant No. 5.

Learned counsel for the petitioner further submits that now Veena Kumari and her husband Jaswant Lal have filed another civil suit with a prayer that they are entitled to the service benefits on account of

death of their son-Yogesh Kumar.

Learned counsel for the petitioner further submits that since the entire controversy in both the aforesaid civil suits is regarding apportionment/claim of the service benefits of deceased Yogesh Kumar *inter se* petitioner and respondent Nos. 1 and 2, who are parents of deceased, both the cases are required to be clubbed and decided together.

Learned counsel for the petitioner further submits that the petitioner has filed a petition under Section 12 of the DV Act at Jagadhri and has also got registered an FIR at Yamuna Nagar, which are pending.

Learned counsel has relied upon the judgments ***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 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.*"

After hearing learned counsel for the petitioner, considering the peculiar facts and circumstances of the case and also in view of the fact that there is a rival claim in the aforesaid civil suits set up by the parties, the issuance of notice of motion is dispensed with at this stage.

In view of the fact that both the civil suits are required to be clubbed and decided together, the present petition is allowed with the following directions:-

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- (i) *The Civil Suit No. 105/2023, filed by respondent Nos. 1 and 2 be transferred to the competent Court of jurisdiction at Jagadhri.*
- (ii) *The District Judge, Yamuna Nagar at Jagadhri will assign the said suit to the same Court, where the civil suit, filed by respondent Nos. 1 and 2 is pending.*
- (iii) *The civil Court at Shahabad is directed to transfer all the record pertaining to the aforesaid case to District Judge, Yamuna Nagar at Jagadhri.*
- (iv) *The parties are directed to appear before the Court at Jagadhri within a period of 01 month from today.*

05.09.2023

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No