



TA-141-2023 (O&M)

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

TA-141-2023 (O&M)

Date of decision: 13.09.2024

Yasheshwini

...Petitioner

Versus

Ravinder Kumar and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Pradeep Virk, Advocate for the petitioner

Mr. Shivam Sachdeva, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

1. The present petition seeking transfer of civil suit no.CS/741/2020 titled as 'Yasheshwini vs. Ravinder Kumar and another' pending in the Court of Civil Judge (Sr. Divn.) Jind to the Court of competent jurisdiction at Rohtak, has been filed by the petitioner (minor daughter) of respondent no.1. She filed a suit for declaration to the following effect:-

“Suit for declaration to the effect that

- (i) The release deed No.1321 dated 06.07.2018 executed by the defendant No.1 in favour of defendant No.2 to the extent of his 1/5 share out of a house measuring 140 Sq.yards situated at Krishan Nagar Colony now Kumharan Mohalla, Near Vidyapeeth Marg, Jind Tehsil @ Distt. Jind and;*
- (ii) Release deed No.1322 dated 06.07.2020 executed by the defendant No.1 in favour of defendant No.2 to the extent of his 1/5 share out of land/plot measuring 151 Sq. yards comprised in Khewat No.955 Khatoni No.1211 Rect. No. 148, 149, 183 and 185 min situated in Ram Colony Near K.C. Textile Gohana Road, Jind and*
- (iii) Release deed No.1323 dated 06.07.2020 executed by defendant No.1 in favour of defendant No.2 to the extent of his 1/5 share out of land/plot measuring 151 Sq. yards comprised in Khewat No. 955 Khatoni No.1211 Rect. No.148, 149, 183 and 185 min situated in Ram Colony Near*



K.C.Textile Gohana Road, Jind are illegal null and void; fraudulent, due to coercion; without any legal right title or authority and the same are not binding upon the rights of the plaintiff and;

(iv) Plaintiff is still owner with possession of 1/10 share out of the total property allegedly released by defendant No.1 in favour of defendant No.2 and is also entitled to get mutated the same in his favour in the revenue record.

(v) And further for permanent injunction restraining the defendants from alienating the suit land to anybody else in any manner either now or in future.”

2. In substance, the petitioner has challenged the transfer of the property owned by her father, in favour of her uncle by virtue of family settlement on the ground that the aforesaid transfer has defeated her right of maintenance. The following proceedings are pending between the petitioner's mother and father:-

“Sheela vs. Ravinder Kumar” bearing case No.MNT/195/2020 under Section 125 Cr.P.C is pending before the Ld. Family Court, Rohtak

ii. FIR case no. 54 dated 29.07.2020 under Sections 354-A/498-A/506/376/511/34 IPC titled as State vs. Ravinder is pending before Ld. JMIC Rohtak.

3. The prayer for transfer is based on the ground that the petitioner's father is mentally disabled to the extent of 75% and is unable to travel alone.

4. On a Court question as to how a mentally disabled person has transferred the property in favour of respondent no.2, learned counsel representing the respondents has failed to give any plausible explanation. In substance, the entire dispute between parties is on account of marital discord. The respondent is already defending aforesaid proceedings at Rohtak.

5. In view of the aforesaid facts, the transfer application is allowed. It is directed that the proceedings in the petition CS/741/2020



titled as ‘Yasheshwini vs. Ravinder Kumar and another’ pending in the Court of Civil Judge (Sr. Divn.) Jind be transferred to the Court of competent jurisdiction at Rohtak. The transferor court is directed to remit the file of the case to the transferee court forthwith. The parties through their counsel are directed to appear before the Civil Judge Senior Division, Rohtak, on 04.10.2024, who would either try the case himself or assign the same to the court of competent jurisdiction in the District.

6. All the pending miscellaneous applications, if any, are also disposed of.

13.09.2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No