

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

TA-695-2023

Date of Decision: 01.04.2024

MANJIT RANI ALIAS MANJEET RANI AND ORS.**....Petitioners****VERSUS****RAM DASS****....Respondent****CORAM: HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Manpreet Singh Bhatti, Advocate
for the petitioners.

Mr. K.S. Sidhu, Advocate
for the respondent.

VIKAS SURI, J. (Oral)

1. Prayer in this petition under Section 24 of CPC is for transfer of Civil Suit No.4028/2023 dated 29.04.2023 filed by the respondent-father-in-law of petitioner No.1 titled as '*Rama Dass vs. Manjit Rani*' (Annexure P-1), pending in the Court of Civil Judge (Junior Division), Ludhiana to the Court of competent jurisdiction at Dera Bassi, District SAS Nagar.

2. Shorn of unnecessary details, the facts relevant for the decision of the present petition are that respondent is the father-in-law of petitioner No.1. Petitioner Nos.2 and 3 are the father and brother of petitioner No.1, respectively. The respondent instituted a suit for permanent injunction for restraining the petitioners from interfering in the peaceful possession over a house measuring 100 sq. yards situated

at Chitti Colony, Near Bobby Di Chakki, Bhattian Bet, Ludhiana and further restraining them from creating any nuisance in the suit property. It is pleaded that son of the respondent-plaintiff committed suicide on 11.04.2023. From the wedlock of the son of the respondent and petitioner No.1, one girl child was born on 15.06.2016, whose custody was handed over to the petitioner after the Bhog ceremony of Late Kulwinder Singh, on 25.04.2023 and writing to that effect was also executed (Annexure P-2). It is further pleaded that the father-in-law of petitioner No.1, i.e. the respondent-plaintiff filed the civil suit to harass the petitioners. Hence, through the present petition, the petitioners seek transfer of the aforementioned civil suit from Ludhiana to a Court of competent jurisdiction at Derabassi.

3. Upon notice, the respondent put in appearance through counsel and filed his reply opposing the same. It is submitted that the son of the respondent had gone to attend the wedding of his sister-in-law, i.e. the sister of petitioner No.1, on 07.04.2023. He returned to his house on 10.04.2023 and on the following day committed suicide on 11.04.2023, and *Bhog* ceremony was held on 23.04.2023. Thereafter, the compromise (Annexure P-2) was recorded and executed on 25.04.2023 whereby custody of a minor child aged 07 years was handed over to the mother-petitioner herein, with the consent of the parties with the stipulation that the paternal family can meet the girl child.

4. Heard learned counsel for the parties and perused the record with their able assistance.

5. The question that arises for consideration in the present petition is whether the suit for permanent injunction instituted by the father-in-law is liable to be transferred, keeping in view the convenience of the daughter-in-law, her father and brother ?

6. A perusal of the record would show that the suit has been instituted on the apprehension that the petitioners have become dishonest and have started harassing and blackmailing the respondent-plaintiff and are threatening him to pay an amount of Rs.5 lakhs to them as well as transfer the suit property in their name. The respondent along with other family members is being threatened of false implication in a criminal case. The respondent was also threatened of being dispossessed from the suit property as narrated in paragraph 8 of the plaint. It is further pleaded that the plaintiff-respondent is a retired person aged about 70 years and his wife has already pre-deceased.

7. It is settled law that the plaintiff is the *dominus litis*, and as such, entitled to institute his suit at a station of his choice, law permitting, subject to territorial jurisdiction and pecuniary jurisdiction. In the matters of transfer of legal proceedings from one forum to another, solely the convenience of the applicant may not be a sufficient criterion. In the present case, the suit property is situated at Ludhiana and apparently, the material witnesses and relevant evidence is also available at Ludhiana. On a mere reading of the plaint, it is evident therefrom that the plaintiff only intends to safeguard the possession of his property, i.e. suit land measuring 100 sq. yards and

for the said purpose, has not sought for any declaration to oust the claim, if any, of any other person. The mere balance of convenience in favour of proceedings in another Court, albeit a material consideration, may not always be a sure criterion justifying transfer, as has been held in *Indian Overseas Bank, Madras vs. Chemical Construction Company and others*, (1979) 4 SCC 358.

8. Keeping in view the above and taking into consideration all the aspects of the matter, this Court is of the considered opinion that petitioner No.1 is the only lady out of all the petitioners and the nature of the proceedings being civil, she is not required to attend the proceedings on each and every date as her father aged about 55 years and brother aged about 28 years, petitioner Nos.2 and 3, respectively can attend the proceedings and also watch the interest of petitioner No.1.

9. No other ground has been pressed before this Court.

10. Accordingly, the instant petition being bereft of merit, is dismissed.

11. Pending applications, if any, also stand disposed of.

April 01, 2024
Sangeeta/sumit.k

(VIKAS SURI)
JUDGE

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No