



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 22.08.2024

1.

TA-698-2023

NAIB SINGH AND ANOTHER

....Applicants

Versus

SUKHPINDER KAUR AND OTHERS

.....Respondents
2.

TA-699-2023

NAIB SINGH

....Applicant

Versus

SUKHPINDER KAUR AND OTHERS

.....Respondents
3.

TA-704-2023

NAIB SINGH AND ANOTHER

....Applicants

Versus

SUKHPINDER KAUR AND OTHERS

.....Respondents
4.

TA-705-2023

NAIB SINGH

....Applicant

Versus

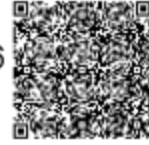
SUKHPINDER KAUR AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. N.S. Dandiwal, Advocate
for the applicants (in all the applications).

None for the respondents (in all the applications).



TA-698-2023 AND 3 CONNECTED CASES

ARCHANA PURI, J. (Oral)

These four transfer applications, will be disposed of together, as the same arise between the same parties, relating to two different suits, filed at the instance of Sukhpinder Kaur.

TA-704-2023 has been filed by the applicants-Naib Singh and Daljit Kaur, thereby seeking transfer of civil suit i.e. CS-54-2021, titled '*Sukhpinder Kaur Vs. Naib Singh and others*'.

TA-699-2023 has been filed by the applicant-Naib Singh, thereby seeking transfer of civil suit i.e. CS-236-2021, titled '*Sukhpinder Kaur Vs. Pirthi Singh and others*'.

TA-698-2023 and TA-705-2023 have been filed by the applicant(s), thereby seeking transfer of the miscellaneous appeals, filed by Sukhpinder Kaur, to challenge the orders of dismissal of the applications under Order 39 Rule 1 and 2 CPC, filed in the aforesaid two suits.

All the aforesaid applications have been filed by the applicant(s), thereby seeking transfer of the aforesaid proceedings from Sri Muktsar Sahib to the Court of competent jurisdiction at Bhagapurana, District Moga.

In pursuance of the notice issued, respondents did not make appearance, despite service.

Learned counsel for the applicant(s) heard.

The aforesaid civil suits had been filed by Sukhpinder Kaur, to assert her right over the suit property, while challenging the Will dated 17.03.1986, allegedly executed by her grand-father, Bachan Singh. Even, the suit for declaration has been separately filed against the father, as well as three sisters, thereby asserting right over the suit property. The parents of

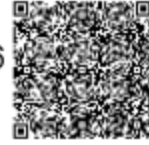


TA-698-2023 AND 3 CONNECTED CASES

Sukhpinder Kaur have now filed the transfer applications in hand, thereby seeking transfer of the said suits, as well as transfer of the miscellaneous appeals, filed to challenge the orders of dismissal of the applications under Order 39 Rule 1 and 2 CPC, filed in the aforesaid two suits.

It is submitted by learned counsel for the applicant(s) that the applicant(s) are aged about 80 years. Sukhpinder Kaur, is real daughter of the applicant(s), who is married with Jagmeet Singh and living at village Kotli Ablu, District Sri Muktsar Sahib. Further, it is submitted that most of the property in question, is situated at village Samalsar, Tehsil Baghapurana, District Moga. Sri Muktsar Sahib is at a distance of 80 kilometres from Baghapurana, District Moga i.e. the place of residence of the applicant(s) and as such, it is difficult for the applicant(s) to defend the litigation at Sri Muktsar Sahib. Moreover, most of the property situated in village Chak Motlewala, has since been disposed of.

Also, it is submitted by the counsel for the applicant that there is threat extended to the applicant(s), at the instance of their daughter, as well as son-in-law, relating to which, FIR bearing No.47 dated 16.06.2021, under Sections 323, 324, 447, 506, 511, 148, 149 and 120-B IPC, was got lodged against Sukhpinder Kaur and her husband, at Police Station Samalsar, for attacking Sunpreet Singh @ Sonu. Said Sunpreet Singh @ Sonu, who got lodged the FIR, had taken the land of the applicant(s) on lease and occurrence had taken place on 13.06.2021, when Sunpreet Singh @ Sonu and his family members were cultivating the land and Sukhpinder Kaur came to the land in question. The copy of the said FIR is Annexure P-4 in TA-698-2023. Even, the applicant-Naib Singh, had filed an application for initiation of legal action against Sukhpinder Kaur and her husband-



TA-698-2023 AND 3 CONNECTED CASES

Jagmeet Singh, on the basis whereof the aforesaid FIR was got registered.

Keeping in view the age of the applicants, as well as considering the distance from which, they are required to defend the litigation, initiated by their daughter and son-in-law and also looking into the convenience of the applicants, the aforesaid applications are hereby accepted and all the four cases stand transferred from Sri Muktsar Sahib, to the Court of competent jurisdiction at Baghapurana, District Moga. The requisite record of the aforesaid cases be sent by the Courts concerned at Sri Muktsar Sahib, to District and Sessions Judge, Moga.

Learned District and Sessions Judge, Moga, shall assign the said cases to the Courts at Baghapurana. Even, the parties are directed to appear before the Courts at Baghapurana, District Moga, within a period of one month from today onwards.

22.08.2024

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No