



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

Sr. No.150

TA-751-2022

Date of Decision: 29.08.2024

SNEH LATA

....Applicant

Versus

ROSHANI DEVI AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Nitin Thatai, Advocate
for the applicant.

Mr. J.S. Saneta, Advocate
for respondents No.1 and 2.

None for respondents No.4 and 5.

None for respondents No.6 and 7.

ARCHANA PURI, J. (Oral)

In consonance with the order dated 07.05.2024, costs have been paid.

Learned counsel for the applicant, as well as respondents No.1 and 2 heard. None has made appearance on behalf of respondents No.6 and 7, even though, they had filed reply and had also made appearance yesterday. Also, none has made appearance on behalf of respondents No.4 and 5.



The present application has been filed by the applicant-Sneh Lata, widow of Jai Pal, for seeking transfer of the petition under Section 372 of the Indian Succession Act i.e. SUCC/27/2021 datd 10.11.2021, titled '*Roshani Devi and another Vs. General Public and others*', pending in the Court of Civil Judge (Senior Division), Kurukshetra, to the Court of competent jurisdiction at Gurugram.

At the very outset, learned counsel for the applicant has submitted that Jai Pal, husband of the applicant, was working in Maruti Suzuki India Limited, Old Palam Gurugram Road, Gurugram and he had died during the covid period on 27.04.2021. Further, it is submitted by the counsel for the applicant that in pursuance of his death, the relationship of the applicant turned sour with respondents No.1 and 2, who are her mother-in-law and father-in-law, as a result whereof, respondents No.1 and 2 had filed the petition under Section 372 of the Indian Succession Act to usurp the amount, which was to be released by the employer-department, of the deceased-Jai Pal.

Also, it is submitted that the applicant has no source of earning and as such, it is difficult for her to defend the succession petition, pending at Kurukshetra. Moreover, there is threat extended to her life, at the instance of the respondents. Also, it is submitted that the distance between Gurugram and Kurukshetra is 219 kilometres. As such, a prayer has been made for acceptance of the transfer application.

However, the counsel for respondents No.1 and 2, while making reference to the reply filed, has submitted that the deceased son of respondents No.1 and 2, namely Jai Pal, was employed in supervisory capacity in Maruti Suzuki India Limited. It is submitted that said Jai Pal,



had purchased one house, where he was staying with the applicant. Also, it is submitted that he had also purchased one flat and value of both the properties is about 3-4 crores. Both the houses are in possession of the applicant and she is earning Rs.50,000/- to Rs.60,000/- per month, as rent from the said properties.

Also, it is submitted by the counsel for respondent No.1 and 2 that the answering respondents, who are the parents of the deceased were nominees in the service record of the deceased-Jai Pal and therefore, they have filed the succession petition. Also, it is submitted that both the respondents No.1 and 2, are aged about 70 and 72 years old and they are suffering from various medical ailments. They have no source of earning and are totally dependent upon the pension granted by Haryana Government. In these circumstances, it is submitted that it shall be difficult for respondents No.1 and 2, who are the aged persons, to pursue the succession petition, if transferred to Gurugram. As such, a prayer has been made for dismissal of the transfer application.

Undisputedly, it is evident that the applicant is residing in Gurugram, in her own house. On query by the Court, it has been disclosed by the counsel for the applicant that the parents of the applicants had since died and she is having a brother, who is residing at Yamuna Nagar. May it be so, the fact remains that the applicant is eking out her livelihood by living alone in a city like Gurugram. Respondents No.1 and 2, who are the parents of the deceased-Jai Pal, are aged persons and residing at Kurukshetra.

In the given circumstances, some balancing has to be done, keeping in view the convenience/inconvenience faced by both the sides.



Considering the place, where the succession petition is already pending, considering the age of respondents No.1 and 2 and also keeping in view the fact of applicant eking out her livelihood, while living alone in a city like Gurugram, no case is made out for transfer of the succession petition from Kurukshetra to Gurugram.

Hence, the present transfer application is hereby dismissed.

29.08.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No