



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

Sr. No.106

**TA-965-2023 (O&M)
Date of Decision: 11.09.2024**

HARBANS SINGH

....Applicant

Versus

RAVINDERJIT KAUR AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Ravisha Mahajan, Advocate, for
Mr. Vikas Bali, Advocate
for the applicant.

Ms. Chandanpreet Kaur Ahluwalia, Advocate, for
Mr. Sandeep S. Majithia, Advocate
for respondent No.1 (sole contesting respondent).

ARCHANA PURI, J. (Oral)

CM-13945-CII-2023

Keeping in view the averments made in the application, same is
allowed.

MAIN CASE

The applicant-Harbans Singh has filed the present application
for seeking transfer of the civil suit i.e. CS/2232/2013, titled '*Ravinderjit
Kaur Vs. Harbans Singh*', copy whereof is Annexure P-2, pending in the
Courts at Faridkot and he seeks transfer of the same to the Court of
competent jurisdiction at Ludhiana, where the connecting civil suit i.e.
CS/2606/2014 titled '*Harbans Singh and another Vs. Ravinderjit Kaur*' is
already pending.

In pursuance of the notice issued, respondent No.1, who is the
sole contesting respondent, has made appearance through counsel.



Learned counsel for the parties heard.

It is submitted by the counsel appearing on behalf the applicant that in the suit, which is pending at Faridkot, relating to which the transfer application has been filed, on 21.07.2023, both the counsel representing the applicant, as well as respondent No.1, had made a statement before the Court that they want to move an application for transfer of all cases in one Court and requested for ten days time.

It is also submitted by the counsel that the suit, which is sought to be transferred and the suit, which is already pending in the Courts at Ludhiana, related to the question of inheritance of one Bhajan Singh, who is father of Harbans Singh and Daljit Kaur. Further, it is submitted that respondent No.1-Ravinderjit Kaur, who had extended nursing services, during the lifetime of Bhajan Singh, had setup a Will. In this backdrop, the present applicant-Harbans Singh, together with his sister-Daljit Kaur as well as Ravinderjit Kaur, had filed a suits for declaration, thereby asserting their right to the share of the property of Bhajan Singh (since deceased). The applicant asserts his right, on the basis of natural inheritance, whereas, Ravinderjit Kaur, asserts her right to the share of Bhajan Singh, on the basis of the Will dated 17.10.2011. In these circumstances, a prayer is made for transfer of the suit filed by respondent No.1-Ravinderjit Kaur, against the present applicant and her sister, to the Courts at Ludhiana, where the suit was earlier filed by the present applicant and his sister-Daljit Kaur.

The counsel appearing on behalf of respondent No.1 does not dispute the factual position, as aforesaid and has made a statement that respondent No.1 has no objection, if the civil suit i.e. CS/2232/2013, titled '*Ravinderjit Kaur Vs. Harbans Singh*', filed by respondent No.1 in the



Courts at Faridkot, is transferred to the Courts at Ludhiana.

In view of the factual position, as evident aforesaid and also in view of the statement made by the counsel for respondent No.1, while taking into consideration the fact of both the suit to be relating to course of inheritance to be adopted, *vis-a-vis* the property of Bhajan Singh (since deceased) and with the purpose to avoid passing of the conflicting judgments, the present application is accepted and the civil suit i.e. CS/2232/2013, titled '*Ravinderjit Kaur Vs. Harbans Singh*', filed by respondent No.1, stands transferred from the Courts at Faridkot, to the Court of competent jurisdiction at Ludhiana. The requisite record of the aforesaid case be sent by the Court concerned at Faridkot, to the District and Sessions Judge, Ludhiana.

Learned District and Sessions Judge, Ludhiana, shall assign the said suit to the same Court, where the earlier suit i.e. CS/2606/2014 titled '*Harbans Singh and another Vs. Ravinderjit Kaur*' is pending adjudication. Even, the parties are directed to appear before the Court concerned, within a period of one month from today onwards.

Learned Trial Court shall proceed with both the cases simultaneously and dispose of both the cases together, in accordance with law.

11.09.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No