



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

Sr. No.109

TA-349-2024

Date of Decision: 10.07.2025

ROHIT KUMAR SINGH**....Applicant****Versus****NATASHA MANN SINGH****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. C.S. Bakshi, Advocate
for the applicant
(through video conferencing).

Mr. Praagbir Singh Dhindsa, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-Rohit Kumar Singh, has filed the present application for seeking transfer of the civil suit i.e. CS/679/2023, titled '*Natasha Mann Singh Vs. Rohit Kumar Singh*', pending in the Court of Civil Judge (Junior Division), SAS Nagar and he seeks transfer of the same to the Court of competent jurisdiction at Patiala.

Upon notice issued, the respondent made appearance through counsel and filed reply.

The counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the marriage between the parties to the lis, was performed on 01.03.1996. However, on account of the matrimonial dispute, the parties are residing separate and they have initiated litigation against each other.

In paragraph No.2 of the application, the detail of the litigation



pending between the parties is given, which is reproduced in verbatim, as hereingiven:-

S.NO.	CASE NO. AND DATE OF FILING OF THE CASE	TITLE OF CASE	COURT IN WHICH CASE IS FILED	UNDER SECTION
1.	DMC NO. - 1012 OF 2019 INSTITUTED ON: 19.04.2019	Rohit Kumar Singh Versus Natasha Mann Singh	District Court, Patiala	Divorce petition.
2.	CS No. 2077 OF 2023 INSTITUTED ON: 25.10.2023	Rohit Kumar Singh Versus Natasha Mann Singh	District Court, Patiala	Suit for declaration mandatory injunction and permanent injunction.
3.	MNT No.889 of 2019 INSTITUTED ON: 13.05.2019	Natasha Mann Singh Versus Rohit Kumar Singh	District Court, Patiala	Petition U/s 125 of Cr.P.C. for grant of maintenance.
4.	CS NO. 679 OF 2023 INSTITUTED ON: 28.07.2023	Natasha Mann Singh Versus Rohit Kumar Singh	District Court, Mohali	Suit for possession by way of partition.

Keeping in view the aforesaid pending litigation, it is submitted by the counsel for the applicant that besides the divorce petition, copy whereof is Annexure P-1, as well as the petition under Section 125 Cr.P.C., copy whereof is Annexure P-2, which are pending in the Courts at Patiala, the applicant had also filed a suit for declaration, thereby asserting himself to be sole and absolute owner in possession of the properties, as detailed in the headnote of the plaint, copy whereof is Annexure P-3. The said suit has been filed in the Courts at Patiala and the same is still pending. It is further submitted that besides three cases pending in the Courts at Patiala, the respondent had filed a suit, regarding two of the properties i.e. constructed house No.4060, Block-E, Aerocity, SAS Nagar (Mohali) and



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Plot No.245, Mohali Hills, Central Park, Sector-105, SAS Nagar (Mohali).

Copy of the plaint of the said suit is Annexure P-4. The said suit has been filed at SAS Nagar. Given the same, it is submitted that the applicant has also asserted his right and sought declaration, vide CS/2077/2023, which is pending in the Courts at Patiala. Moreover, it is submitted that the respondent is herself resident of Patiala. Thus, considering the convenience of the applicant and also taking into consideration the common questions of facts and law, arising in both the suits, which are pending in two different Courts, it is expedient, in the interest of justice, to transfer the civil suit in question, to the Courts at Patiala.

On the other hand, the counsel for the respondent while making reference to the reply by way of affidavit of the respondent-Natasha Mann Singh, had resisted the claim for transfer of the civil suit. In fact, he submits that the relief sought in both the civil suits is different and therefore, the applicant can easily pursue the litigation pending at SAS Nagar. Even, the chance of passing of conflicting judgments, as such, does not arise. In fact, it is submitted that the records and the relevant documents, for adjudicating the civil suit, copy whereof is Annexure P-4, are available at SAS Nagar and therefore, it will be easier to summon the said record and ascertain the ownership documents. In the light of the same, it is submitted that the transfer application deserves to be dismissed.

Admittedly, the respondent is residing at Patiala. It is also not disputed that on account of the matrimonial dispute between the parties to the lis, the divorce petition filed by the applicant, as well as the petition under Section 125 Cr.P.C., filed by the respondent, which are detailed in the aforesaid table, are already pending in the Courts at Patiala. Even, the third



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litigation, which is a civil suit i.e. CS/2077/2023, filed by the applicant-Rohit Kumar Singh, though is a property dispute, but however, it is an offshoot of the matrimonial dispute only and the same is also pending in the Courts at Patiala. Only the civil suit, filed by the respondent is pending in the Courts at SAS Nagar. Close perusal of the complaints, which have been placed on record, relating to both the civil suits, reveals that two of the properties, which form the basis of the suit, filed by the respondent, are part of the subject matter of the suit filed by the applicant-Rohit Kumar Singh. Though, it is submitted by the counsel for the respondent that the questions involved are different, but however, it is not so. It is only with regard to the properties purchased by the applicant or the respondent, which question can finally be adjudicated by the Court concerned. This Court is consciously refraining itself from further making reference to the contents of both the complaints, but suffice to consider that both the properties at SAS Nagar, which form the subject matter of the civil suit, filed by the respondent, also forms part of the civil suit, filed by the applicant, which is pending in the Patiala Courts.

Section 24 of the CPC had conferred comprehensive powers on the Courts to transfer suits, appeals or other proceedings, at any stage *‘either on an application by any party or suo motu’*. No doubt, it is a discretionary power to transfer the cases, but however, such power has to be exercised with due care, caution and circumspection. No doubt, the plaintiff is a *dominus litis* and as such, is entitled to institute his/her suit in any forum, which the law allows him/her. However, the Court should not lightly change that forum and compel him/her to go to another Court, with consequent increase in the inconvenience and expense of prosecuting his/her



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suit. The mere balance of convenience in favour of proceedings to be conducted in another Court, may not always be a sure criterion justifying the transfer. Each case has to be considered in its own peculiar facts and circumstances. Though, the Courts time and again have laid down broad propositions, as to what may constitute a ground for transfer of the case. One of them is where the two suits raising common questions of facts and laws between the parties common to both suits are pending in two different Courts, it is generally in the interest of justice, to transfer one of those suits to the other forum, to be tried by the same Court, with consequent avoidance of multiplicity in the trial of the same issues and risk of passing of conflicting decisions thereon.

Adverting to the case in hand, as already observed aforesaid, *vis-a-vis* the two properties located at SAS Nagar, the suit has been filed by the respondent and qua the same properties, the applicant had also filed a civil suit in the Courts at Patiala, thereby asserting his right over the various properties and these two properties are also part of the said civil suit. Thus, it is quite obvious that the material issues to be adjudicated in both the suits, to some extent, ought to be common or in the minimum, inter-dependent. Considering the same, it is pertinent to mention that if both the suits are allowed to continue in their respective original forum, possibility of conflicting findings, arrived on the question of entitlement of the parties to the suit properties, cannot be ruled out. To great extent, even the evidence to be recorded shall also be common in both the said suits.

Such being the position and also taking into consideration the fact of the respondent, being resident of Patiala, more particularly, considering the two cases arising from this matrimonial dispute, already



pursued by the applicant in the Courts at Patiala and also balancing the convenience/inconvenience of both the applicant, as well as the respondent and in the fitness of circumstances, the transfer application is allowed and the civil suit i.e. CS/679/2023, titled '*Natasha Mann Singh Vs. Rohit Kumar Singh*', stands transferred from the Family Court, SAS Nagar, to the Court of competent jurisdiction at Patiala. The requisite record of the aforesaid case be sent by the Court concerned, to the District and Sessions Judge, Patiala.

Learned District and Sessions Judge, Patiala, shall assign the said petition to the Court of competent jurisdiction, where civil suit i.e. CS/2077/2023, is already pending. Even, the parties are directed to appear before the Court concerned, within a period of one month from today onwards.

10.07.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No