



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

Sr. No.103

**TA-654-2023 (O&M)
Date of Decision: 18.03.2025**

HARPREET KAUR AND ANOTHER

....Applicants

Versus

KULWANT KAUR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Mohit Kumar, Advocate for
Mr. G.S. Sidhu, Advocate
for the applicant.

Mr. D.S. Bhinder, Advocate
for the respondent
(through video conferencing).

ARCHANA PURI, J. (Oral)

CM-9297-CII-2023

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

Main case

The counsel for the respondent submits that he does not want to file reply to the transfer application, though he contests the same.

The counsel for the parties heard.

The present application has been filed by the applicant-Harpreet Kaur and her minor son, for seeking transfer of the civil suit i.e. CS/214/2023, titled '*Kulwant Kaur Vs. Harpreet Kaur and another*', filed by the respondent (mother-in-law of applicant No.1). The said suit is pending in the Court of Civil Judge (Senior Division), Jagraon, District



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Ludhiana and the applicants seek transfer of the same to the Court of competent jurisdiction at Barnala.

At the very outset, it is submitted by the counsel for the applicants that the marriage between applicant No.1 and Lakhwinder Singh, son of the respondent, had taken place on 16.09.2021. From the said wedlock, one son was born on 12.07.2022, who is applicant No.2. However, unfortunately, the husband of applicant No.1 had committed suicide on 10.09.2022. Also, it is submitted that it was on account of the bad conduct of the family members of the respondent that the husband of applicant No.1 had committed suicide. The applicant is not having any source of earning and she is totally dependent upon her parental family, along with her minor son, who is about 2½ years old. In these circumstances, it is submitted that it is difficult for the applicant(s), to commute a distance of about 60 kilometres, to defend the litigation, initiated at the instance of her mother-in-law, after death of her (applicant's) husband.

On the other hand, the counsel for the respondent has though, not filed the reply to the transfer application, but he submits that the respondent is an aged woman and she along with her aged husband are residing at Binjal, Tehsil Raikot, District Ludhiana. Also, he submits that if the civil suit is transferred, it shall be difficult for them also to pursue the litigation.

In view of the submissions aforesaid, at the very outset, it is pertinent to mention that the present application has been filed by the daughter-in-law of the respondent, for seeking transfer of the civil suit, which was instituted after death of her husband. Considering the fact of the applicant not having any source of earning and also taking care of the son,



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who is about 2½ years old, it is just and expedient that the transfer application is allowed and the civil suit is transferred.

In view of the aforesaid fact situation, the transfer application is allowed and the civil suit i.e. CS/214/2023, titled '*Kulwant Kaur Vs. Harpreet Kaur and another*', filed by the respondent, stands transferred from the Court of Civil Judge (Senior Division), Jagraon, District Ludhiana, to the Court of competent jurisdiction at Barnala. The requisite record of the aforesaid case be sent by the Court concerned at Jagraon, to the District and Sessions Judge, Barnala.

Learned District and Sessions Judge, Barnala, shall assign the said petition to the Court concerned at Barnala. Even, the parties are directed to appear before the Court concerned, within a period of one month from today onwards.

Pending application also stands disposed of.

18.03.2025

Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No