



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

Sr. No.115

TA-549-2025

Date of Decision: 19.11.2025

KULWANT KAUR

....Applicant

Versus

KARAMJIT SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Arun Takhi, Advocate
for the applicant.

Mr. Sidhant Bhonsle, Advocate
for respondent No.1 (sole contesting respondent).

ARCHANA PURI, J. (Oral)

The applicant-mother has filed the present application for seeking transfer of the civil suit i.e. CS/4137/2021, titled '*Karamjit Singh Vs. Kulwant Kaur and others*', filed by respondent No.1-son, pending in the Courts at Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Chandigarh.

In pursuance of notice issued, respondent No.1-Karamjit Singh, who is the sole contesting respondent, made appearance through counsel and filed reply.

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that Dalip Singh, husband of the applicant had died on 26.05.2021.

During his lifetime, her husband was the owner of various properties, as detailed in paragraph No.1 of the application. Also, counsel submits that by



TA-549-2025

way of the Will dated 17.07.2020, the husband of the applicant bequeathed the moveable and immoveable properties, in favour of the applicant and as such, she became the owner of the properties, earlier owned by her husband. However, now respondent No.1, in a deceitful manner, has forged and fabricated the Will dated 05.04.2021, in his favour and has filed the suit for declaration, thereby claiming his right over the properties, which were inherited by the applicant, on the basis of the Will executed by her husband. The said suit has been filed in the Courts at Ludhiana. However, on behalf of the applicant, it is submitted that she is an aged lady and as such, it is difficult for her to pursue the said litigation. Furthermore, it is submitted that earlier, there were proceedings under the Maintenance and Welfare of Parents and Senior Citizens Act, pending in the Courts at Ludhiana and thereupon, when the order was passed to hand over the possession of one of the questioned properties, respondent No.1 had extended threat to the applicant, relating to which, she had filed an application before Director General of Police, copy whereof is Annexure A-7. However, no action was taken upon the same.

In the given circumstances, it is submitted that on account of her age, it is difficult for the applicant, to defend the litigation, pending in the Courts at Ludhiana and thus, transfer of the same is sought.

On the other hand, counsel for respondent No.1 has resisted the claim for transfer of the case. In fact, it is submitted that respondent No.1 has become the owner of the property, on the basis of Will, executed by his father. Also, it is submitted that since the property is situated at Ludhiana, the suit ought to be filed at Ludhiana only. Moreover, the counsel has



TA-549-2025

brought to the notice of this Court that the civil suit was filed in the year 2021 and since then, the applicant is appearing in the same by engaging counsel and the case is at the stage of recording of evidence. Besides the same, civil suit i.e. CS/3385/2025, has been filed by the applicant on 31.05.2025, relating to the same property, thereby seeking declaration and the same is pending in the Courts at Ludhiana. In the given circumstances, when one suit is already pursued by the applicant in the Courts at Ludhiana, then there should not be any difficulty, to pursue the previous suit, filed by the applicant, which is also pending in the Courts at Ludhiana.

In view of the submissions aforesaid, it is pertinent to mention that the litigation, which is sought to be transferred, is a suit for possession, relating to the property, which is situated at Ludhiana. In view of the same, as per Section 16 of CPC, the suit has been appropriately instituted at a place, where the property is situated. It is significant to note that the suit was filed in the year 2021 and as admitted by the counsel for the applicant, the applicant is pursuing the said suit, after engaging the counsel and even, she has filed the written statement. Now, the case is at the stage of recording of evidence. Besides the same, as asserted in reply, it has been fairly conceded by the counsel for the applicant that the applicant has filed a civil suit i.e. CS/3385/2025, for seeking declaration relating to the same property, which is also pending in the Courts at Ludhiana. Considering the same, since the rival suits filed by both the parties are pending at Ludhiana, question does not arise for disturbing the jurisdictional balance, while considering the transfer application, more particularly, when the applicant is pursuing the second suit filed at her instance, in the Courts at Ludhiana,



TA-549-2025

while engaging the counsel and has also filed the written statement to contest the said suit. Even, as discussed aforesaid, the case is at the stage of recording of evidence. Moreover, in the civil proceedings, the applicant is not required to make appearance on each and every date of hearing.

Even though, counsel for the applicant has stated that there is threat to her life, at the instance of respondent No.1, but however, no order passed in the proceedings under the Maintenance and Welfare of Parents and Senior Citizens Act, has been placed on record. Moreover, if the applicant has filed any application with the DGP, then she has an option to knock the door of the Court to emphasize upon initiation of action on the said application.

In view of the aforesaid fact situation and also watching the 'interest' of the applicant, who is an aged lady, an option is always available with the applicant to seek permission of the Court concerned, for making appearance through virtual mode, as and when the required. If any such application is filed by the applicant, the Court concerned shall pass an appropriate order, in the fitness of circumstances.

In view of the aforesaid fact situation, there is no good ground made out to accept the application.

Hence, the transfer application is hereby dismissed.

(ARCHANA PURI)
JUDGE

19.11.2025
Himanshu Vats

Whether speaking/reasoned : Yes

Whether reportable : Yes/No