



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Sr. No.120

TA-839-2024

Date of Decision: 06.03.2025

RAJVEER KAUR @ RAJBIR KAUR

....Applicant

Versus

VED PARKASH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Gurcharan Dass, Advocate  
for the applicant.

Mr. Rajbir Singh, Advocate  
for the respondent.

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ARCHANA PURI, J. (Oral)

The present application has been filed by the applicant-Rajveer Kaur @ Rajbir Kaur, thereby seeking transfer of the civil suit i.e. CS/32/2022, titled '*Ved Parkash Vs. Rajbir Kaur*', filed by the respondent, which is pending in the Courts at Nabha, District Patiala and the applicant seeks transfer of the same to the Court of competent jurisdiction at Guruharsahai, District Ferozepur.

In pursuance of the notice issued, respondent made appearance through counsel. The counsel submits that he does not intend to file reply to the transfer application, though, he contests the same.



Learned counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the civil suit i.e. CS/223/2021, dated 09.06.2021, titled '*Rajvir Kaur Vs. Ved Parkash and others*' (Annexure P-1), was filed by the applicant, which is pending in the Courts at Guruharsahai. While making reference to Annexure P-1, which is copy of the plaint, it is submitted that there was proposed transaction of sale between the parties to the lis. However, the sale deed was got registered qua 12 kanals and 4 marlas of land on 07.10.2019, but the sale deed qua the residue land of the agreed sale, to the extent of 18 kanals, was pending and for seeking mandate to get the sale deed executed, the said suit (Annexure P-1), was filed. However, the same is still pending pending in the Courts at Guruharsahai and the respondent is making appearance in the same.

Subsequently, the respondent filed a suit, the copy whereof is Annexure P-4, in the Courts at Nabha and the same relates to the recovery, on the basis of the same proposed transaction of sale. In these circumstances, to avoid passing of the conflicting judgments, it is submitted that the subsequent suit filed (Annexure P-4), which is pending in the Courts at Nabha, be transferred to the Courts at Guruharsahai. Also, it is submitted that both the cases be taken simultaneously, to avoid passing of the conflicting judgments.

On the other hand, the counsel for the respondent do not dispute about the proposed transaction of sale, entered between the parties and also about the sale of some part of land, under agreement, having been executed.



Also, the counsel for the respondent does not dispute about the suit of recovery, to be relating to the same proposed transaction of sale. However, he submits that in the suit, pending in the Courts at Nabha, the applicant had made appearance and filed an application under Section 10 CPC, for stay of the suit, which was dismissed by the Court concerned at Nabha. However, the applicant has not challenged the same and therefore, the transfer application ought not be allowed.

In view of the aforesaid factual position, it is pertinent to mention that the order, if any passed, on the stay application, is not under consideration in the present transfer application. Thus, the application relates to transfer of the suit, only to avoid passing of the conflicting judgments, qua to the dispute of the proposed transaction of sale.

In the given circumstances, the suit earlier filed by the applicant also relates to the proposed transaction of sale and the suit, filed by the respondent in the Courts at Nabha i.e. CS/32/2022, is later in time. As such, to avoid passing of the conflicting judgments, the transfer application is allowed and the civil suit i.e. CS/32/2022, titled '*Ved Parkash Vs. Rajbir Kaur*', filed by the respondent, stands transferred from the Courts at Nabha, District Patiala, to the Court of competent jurisdiction at Guruharsahai, District Ferozepur. The requisite record of the aforesaid case be sent by the Court concerned, to the District and Sessions Judge, Ferozepur.

As the controversy in both the aforesaid suits, relates to one proposed transaction of sale, it would be appropriate, if both the cases are decided by one Court. As such, learned District and Sessions Judge, Ferozepur, is hereby requested to look into this aspect and ensure about



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transfer of the civil suit i.e. CS/32/2022, to the Court, where the previous suit i.e. CS/223/2021, dated 09.06.2021, titled '*Rajvir Kaur Vs. Ved Parkash and others*' (Annexure P-1), is already pending adjudication. Even, the parties are directed to appear before the Court concerned, within a period of one month from today onwards.

06.03.2025  
Himanshu

(ARCHANA PURI)  
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No