



TA-868-2024

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

Sr. No.109

TA-868-2024

Date of Decision: 27.03.2025

JASVIR KAUR AHLUWALIA AND ANOTHER

....Applicants

Versus

AVJIT SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Kulwinder Singh, Advocate
for the applicants.

Mr. Inderpal Singh Parmar, Advocate
for respondent No.1 (sole contesting respondent).

ARCHANA PURI, J. (Oral)

The applicants have filed the present application for seeking transfer of the civil suit i.e. CS/4863/2023, titled '*Avjit Singh Vs. Jasvir Kaur and others*', filed by respondent No.1, pending in the Courts at Ludhiana and she seeks transfer of the same to the Court of competent jurisdiction at Barnala.

Upon notice, respondent No.1, who is the sole contesting respondent, made appearance through counsel and filed reply.



TA-868-2024

Learned counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicants that Harpal Singh Ahluwalia, husband of applicant No.1 and father of applicant No.2, had died on 22.07.2022 in United States of America. Even though, the applicants have their rights to claim inheritance being Class-I heirs of Harpal Singh Ahluwalia, but however, Gurpreet Singh, the nephew of Harpal Singh Ahluwalia, had ill-intention to cause wrongful gain to himself, while withdrawing all the amounts/deposits from the Banks of Harpal Singh Ahluwalia. In this background, the applicants filed a suit for permanent injunction against Gurpreet Singh, who is father of respondent No.1, to restrain him from withdrawing the amounts lying deposited in the name of Harpal Singh Ahluwalia. Even, the petition under Section 372 of the Indian Succession Act, 1925, has been filed by the applicants. Both the said cases are pending in the Courts at Barnala.

Thereupon, respondent No.1-Avjit Singh, who is minor son of Gurpreet Singh, had filed a suit for declaration, thereby asserting himself to be the exclusive owner in possession of the property in the name of Harpal Singh Ahluwalia, which is situated at Barnala. The suit has been filed at Ludhiana. In the given circumstances, it is submitted that since all the litigation relates to the question of inheritance of the applicants, as well as Avjit Singh, to avoid passing of the conflicting judgments, it is essential that all the suit be tried by one and same Court. Also, it is pleaded that it is difficult for the applicants to pursue the suit in hand, in the Courts at Ludhiana.

On the contrary, the counsel for the respondent, while making



TA-868-2024

reference to the reply, has submitted that Harpal Singh Ahluwalia, was the real uncle (chacha) of the father of respondent No.1. In fact, Gurpreet Singh, father of the respondent had been taking care of his deceased uncle. It is submitted that applicant No.1 is the second wife of Late Harpal Singh Ahluwalia. Even, Harpal Singh Ahluwalia, during his lifetime, had executed a registered Will dated 26.08.2016, in favour of respondent No.1. Thus, applicant No.1, who is the second wife of Harpal Singh Ahluwalia, could not claim her right over inheritance of the properties, on the basis of natural inheritance. Thus, there is no necessity to transfer the suit filed by respondent No.1.

Keeping in view the submissions aforesaid and also taking into consideration facts of the pleadings, brought on record by both the parties, it is evident that two suits, relating to the question of inheritance, after the death of Harpal Singh Ahluwalia, are already pending in the Courts at Barnala. The suit in hand, which is sought to be transferred, is pending in Ludhiana. The same had been filed by the son of the nephew of Harpal Singh Ahluwalia, thereby asserting execution of Will by Harpal Singh Ahluwalia, in his favour.

Considering the aforesaid fact situation and also considering the fact about Gurpreet Singh, father of the applicant, to be a party to the litigation, which is pending in the Courts at Barnala, to avoid passing of the conflicting judgments, the present transfer application is allowed and the civil suit i.e. CS/4863/2023, titled '*Avjit Singh Vs. Jasvir Kaur and others*', filed by respondent No.1, stands transferred from the Courts at Ludhiana, to the Court of competent jurisdiction at Barnala. The requisite record of the



TA-868-2024

aforesaid case be sent by the Court concerned, to the District and Sessions Judge, Barnala.

Learned District and Sessions Judge, Barnala, shall assign the said petition to the Court, where the litigation between the parties to the lis, as discussed aforesaid, is pending. Even, the parties are directed to appear before the concerned Court at Barnala, within a period of one month from today onwards.

27.03.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No