



TA-1214-2024 AND TA-1196-2024

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

Sr. No.108

Date of Decision: 02.05.2025

1.

TA-1214-2023

JAGDEEP SINGH

....Applicant

Versus

BHINDER SINGH AND OTHERS

.....Respondents

2.

TA-1196-2023

JAGDEEP SINGH

....Applicant

Versus

BHINDER SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Navdeep Jain, Advocate for
Mr. Sunny K Singla, Advocate
for the applicant (in both the applications).

Mr. S.S.Gill, Advocate
for respondents No.1 to 3 (in both the applications).

ARCHANA PURI, J. (Oral)

These are two applications i.e. TA-1214-2024 filed at the instance of Jagdeep Singh, for seeking transfer of the succession petition i.e. SUCC/1/2018, titled '*Bhinder Singh and others v/s General Public*' and



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TA-1196-2023 filed for seeking transfer of the civil suit i.e. CS/393/2017, titled "*Bhinder Singh and others v/s Jagdeep Singh*", which are pending in the courts at Payal and Khanna, respectively, District Ludhiana and he seeks transfer of the said cases to the court of competent jurisdiction at Kharar, District SAS Nagar.

Upon notice, the respondents made appearance through counsel. However, counsel for the respondents submits that the reply already filed by way of affidavit of respondent No.1, be considered as reply on behalf of the respondents.

Counsel for the parties heard.

It is submitted by the counsel for the applicant that the dispute between the parties relates to the course of inheritance of Nirmal Singh, who was the uncle of the applicant, residing with him for the last 35-40 years. Though, deceased, Nirmal Singh, was brother of the respondents, namely, Bhinder Singh, Kulwant Kaur and Bhupinder Kaur, but however, during his lifetime, he had executed Will dated 07.07.2017, in favour of the applicant and on the basis thereof, the applicant had filed the suit for declaration, copy whereof is Annexure P-1. This suit is pending before the courts at Kharar. After filing of the said suit, it is submitted that the respondents had filed the succession petition, copy whereof is Anneuxre P-2, which is pending in the courts at Payal. Also, besides the same, relating to other property in the name of Nirmal Singh, another civil suit was filed at the behest of the respondents, for seeking declaration and the same is pending in the courts at Khanna.



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In view of the pending litigation aforesaid, it is submitted that it is difficult for the applicant, who is the resident of Maharashtra, to pursue the litigation, pending at Payal and Khanna, forming part of District Ludhiana. As such, a prayer has been made for transfer of the said cases.

On the other hand, while making reference to the reply, counsel for the respondents submits that the respondents are the aged persons and the properties are also situated at Payal and Khanna and therefore, the courts concerned have territorial jurisdiction. Not all the time, the convenience of the applicant is required to be seen, more particularly, when the respondents are comparatively aged persons.

In view of the aforesaid submissions, it is pertinent to mention that although the courts have wide powers to transfer the cases, taking into consideration the convenience of the parties, but however, the respective suits/petitions, as stated aforesaid, have been filed, within the territorial jurisdiction of the courts, where the properties are situated.

Considering the aforesaid and also considering the kind of contest between the parties, as well as taking into consideration the relationship of applicant and the respondents with the deceased, Nirmal Singh, whose course of inheritance is under challenge and above all, considering the fact that the applicant is resident of Maharashtra and if he can pursue the suit at Kharar, he can very well pursue the cases, pending at Khanna and Payal also, more particularly, when in the civil matters, the parties are not required to make appearance personally, on each and every date of hearing.



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In the given circumstances, both the transfer applications, are hereby dismissed. But anyhow, the parties have the option to move an application before the courts concerned, for making appearance through electronic mode, as and when required, upon which the appropriate order shall be passed by the concerned courts.

02.05.2025

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**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No