



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

Sr. No.105

Date of Decision: 07.05.2025

1.

TA-1423-2023 (O&M)

SUNITA AND ANR

....Applicants

Versus

SUKHWINDER KAUR AND OTHERS

.....Respondents

2.

TA-1429-2023 (O&M)

SUNITA AND ANR

....Applicants

Versus

SUKHWINDER KAUR AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vinay Puri, Advocate
for the applicants.

Mr. R.M.Sharma, Advocate
for contesting respondent No.1.

Mr. Nitin Thatai, Advocate
for proforma respondents No.3 to 6

Ms. Jagriti Kalia, AAG Punjab
for proforma respondents No.7 and 8

ARCHANA PURI, J. (Oral)

These are two applications filed at the instance of Sunita and



her son, namely, Manpal Singh, for seeking transfer of the litigation, pending between the parties to the lis.

TA-1423-2023 has been filed by the applicants for seeking transfer of the civil suit i.e. CS/299/2023 titled '*Sukhwinder Kaur v/s Sunita and others*', filed at the instance of respondent No.1.

TA-1429-2023 has been filed by the applicants for seeking transfer of the civil suit i.e. CS/340/2023, titled '*Sukhwinder Kaur and another v/s Sunita and others*', filed at the instance of the respondents.

Both the aforesaid cases are pending in the Courts at Nawanshahr, District SBS Nagar and the applicants are seeking transfer of the same to the Court of competent jurisdiction at Rupnagar.

Upon notice, the contesting respondents made appearance through counsel, in both the applications and filed the respective replies.

Counsel for the parties heard.

Even though, counsel has made appearance on behalf of respondents No.3 to 6, as well as state counsel for respondents No.7 and 8, but however, they are the proforma respondents. As such, they did not file any reply.

At the very outset, it is submitted by the counsel for the applicants that Sunita was married to Rajesh Kumar Meelu, who was posted as head constable No. 1227/SBS Nagar. However, he had unfortunately died in the road accident on 20.03.2023. After the death of Rajesh Kumar Meelu, the relationship of applicant No.1 with the respondents, who are the mother-in-law and father-in-law, became sour, as a result whereof, they entered into litigation. After the enhancement of amount of two policies issued by LIC, the suit was filed, copy whereof is Annexure P-2, at the



instance of Sukhwinder Kaur, for seeking declaration, thereby asserting her right to the extent of 1/3rd share in the amount of LIC policies.

Likewise, also it is submitted that another suit was filed by Sukhwinder Kaur as well as Balwant Rai, copy whereof has been placed on record, thereby seeking declaration i.e. CS/340/2023, for seeking entitlement to the service benefits of her deceased son, Rajesh Kumar Meelu.

It is further submitted that the applicant along with her minor son, is residing at Ropar, with her parental family. The applicant No.1 is stated to be not working, as such, it is submitted that it is difficult for her to defend the litigation pending in the courts at Nawanshahr, SBS Nagar, more particularly, when she is taking care of the minor son.

Moreover, it is submitted that even she had filed one petition under Sections 18, 19, 20, 21 and 22 of Protection of Women from Domestic Violence Act, which is pending in the courts at Rupnagar and both the respondents, Sukhwinder Kaur and Balwant Rai, are making appearance in the same. Also, it is pin-pointed by the counsel for the applicants that the son of respondent No.1, is an Advocate, practising at Nawanshahr.

On the contrary, counsel for the contesting respondents refutes the claim of the transfer of the case. Rather, the counsel submits that the applicant is still residing at SBS Nagar. Furthermore, the respondents, on account of their age, find it difficult to pursue the litigation, if so transferred from Nawanshahr to Rupnagar.

In view of the aforesaid submissions, it is pertinent to mention that though the counsel for the contesting respondents had submitted that the applicants are still resident of Village Katwara, Tehsil Balachaur, SBS Nagar, but however, as per Annexure P-2, it is evident that the respondents



themselves had stated about the applicants to be resident of Rupnagar. The complete address, as such, has been given in the said suit.

Considering the same, it is also necessary to be taken note of that the courts generally lean towards the convenience of wife, in case of transfer applications, relating to the matrimonial disputes, more particularly, when the same had arisen, after the untimely death of husband of the applicant No.1. Even, the applicant No.1 is taking care of the minor son, who is also studying in the school at Rupnagar.

Besides the aforesaid, it is also pertinent to mention that the specific name of an Advocate, has also been given by the counsel for the applicants in paragraph No.5 of the application, thereby stating that he is now hesitant to pursue the case also, on account of son of respondent No.1 to be practising as an Advocate. Though, any family member of the respondent, being an Advocate, in itself is no ground to transfer the application, but however, the other circumstances coming forth, impel the Court to accept the transfer application.

Considering the aforesaid circumstances, more particularly, when the minor school going son, is in the care and custody of applicant No.1, the present transfer applications are allowed and the civil suit i.e. CS/299/2023 titled '*Sukhwinder Kaur v/s Sunita and others*', and CS/340/2023, titled '*Sukhwinder Kaur and another v/s Sunita and others*', filed by the respondents, stand transferred from the Family Court, Nawanshahr, SBS Nagar, to the Court of competent jurisdiction at Rupnagar. The requisite record of the aforesaid case be sent by the Family Court, Nawanshahr, to the District and Sessions Judge, Rupnagar.



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

07.05.2025
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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No