



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

Sr. No.106

**TA-1554-2023 (O&M)
Date of Decision: 18.08.2025**

SRISHTY

....Applicant

Versus

MOHAN LAL AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Amit Mehta and Ms. Puja V. Mehta, Advocates
for the applicant.

Mr. Tarun Singla, Advocate
for respondent No.1 (sole contesting respondent).

ARCHANA PURI, J. (Oral)**CM-16279-CII-2025**

The present application has been filed for placing on record the habeas corpus petition, in compliance of the order dated 16.07.2025.

In view of the averments made in the application, same is allowed and the requisite document is taken on record.

Main case

The applicant-Srishty daughter of Raj Rani, has filed the present application for seeking transfer of the civil suit i.e. CS/335/2023, titled '*Mohan Lal Vs. Srishti and others*', filed by respondent No.1, pending in the



Courts at Phul, District Bathinda and she seeks transfer of the same to the Court of competent jurisdiction either at Moga or Chandigarh.

Upon notice issued, respondent No.1, 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 the applicant is an unmarried girl of 21 years old and she was adopted by Raj Rani, daughter of Late Smt. Simlawati, when she was 10 years old. Even, adoption deed was executed. However, respondent No.1 is the real brother of Raj Rani and son of Simlawati. On account of desire expressed by the grand-mother of the applicant, for transfer of the property in her name, on 17.01.2023, when they had reached the office of Sub-Registrar, Phul, for execution of the transfer deed, respondent No.1 had taken away the grand-mother of the applicant. As a result thereof, habeas corpus petition i.e. CRWP-852-2023, was filed by the applicant, copy whereof has been placed on record today, vide CM-16279-CII-2025. However, during the pendency of the said petition, Simlawati had died, as a result whereof, the petition was dismissed as having become infructuous, vide order dated 03.02.2023, copy whereof has been placed on record. Now, only with a purpose to usurp the property, coming to the applicant from her adoptive mother and grand-mother, respondent No.1 has filed the civil suit, which is pending in the Courts at Phul. Looking at the conduct of respondent No.1, *vis-a-vis*, missing of Simlawati from the Sub-Registrar premises, it is submitted by the counsel for the applicant that there is an apprehension about something wrong to be done to the applicant, if she goes



to the Courts at Rampura Phul. Considering the same, it is submitted that it is also inconvenient for the applicant, to follow this litigation, while she is staying in Chandigarh.

On the contrary, counsel for respondent No.1, while referring to the reply, submits that there is deliberate mention of two residential addresses i.e. one of Bhagta Bhai Ka and other of Chandigarh, in the application by the applicant. In fact, it is submitted that father of the applicant is an 'Assistant Sub Inspector' and posted at Moga and only for this reason, for exercise of the power and influence, the transfer of the civil suit has been sought to Moga. In fact, it is submitted that the applicant was never adopted by Raj Rani and as such, she has no right to the property of Raj Rani or of Simlawati. In the light of the same, it is submitted that there is no case made out for transfer of the civil suit. Also, it is submitted that respondent No.1 is a senior citizen and it shall be difficult for him also, to pursue the civil suit, if so transferred. In fact, the counsel submits that the transfer applications i.e. TA-964-2024 and connected case, as well as TA-6979-2018, which were having similar facts, have since been decided against the applicant(s), who asserted about there to be adoption deed and therefore, it is submitted that the present application be also dismissed.

In view of the rival submissions aforesaid, it is pertinent to mention that generally, the Courts lean towards convenience of woman, in case of transfer application relating to the matrimonial dispute, or of the disputes between the family members. However, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, ought to be taken into consideration. In the case in hand, the applicant is



asserted to be adopted by Raj Rani, who had since died. Simlawati, was mother of Raj Rani and during her lifetime, habeas corpus petition i.e. CRWP-852-2023 was filed by the present applicant, thereby asserting about taking away of said Simlawati, at the instance of respondent No.1, who is son of Simlawati. However, during the pendency of the said petition, Simlawati had died. Though, the habeas corpus petition was not decided on merits and was dismissed as having become infructuous, but however, the fact remains that said petition was filed by the applicant. Copy of the order dated 03.02.2023, passed in the said petition, is Annexure P-1.

In the given circumstances, when the applicant is 23 years old, at this stage, the apprehension on her part, of some untoward incident taking place, at the instance of respondent No.1, cannot be ruled out. Though, two addresses are mentioned in the application, as pleaded by the counsel for respondent No.1, but however, there is copy of Aadhar Card annexed with the application, which reveals about the applicant to be daughter of Raj Rani and her address is mentioned as '*Bhagta Bhai Ka, Bhagta, District Bathinda*'. Her natural parents, as evident from the memorandum of parties, who are respondents No.2 and 3, are residents of Moga. Though, reliance has been placed upon two orders passed by this Court, as stated aforesaid, but however, it is pertinent to mention that each case has to be decided on its own peculiar facts and circumstances. One distinctive detail in the circumstances of any case, can alter the decision of the transfer application. Therefore, any factual position existing in one case, cannot lead to the same conclusion in any other case.

In view of the aforesaid fact situation, though this Court is not



TA-1554-2023 (O&M)

to comment upon the adoption having been there or not, but however, considering the element, with regard to apprehension of taking place of some untoward incident, more particularly, considering the address of the application, as mentioned in the Aadhar Card, which is coming on record, the transfer application is partly allowed. However, keeping in view the natural parents of the applicant to be residents of Moga and more particularly, her father being in police department, the application is allowed only to the extent of transfer, but however, balancing the interest of both the parties, the civil suit i.e. CS/335/2023, titled '*Mohan Lal Vs. Srishti and others*', filed by respondent No.1, stands transferred from the Courts at Phul, District Bathinda, to the Court of competent jurisdiction at Mansa. The requisite record of the aforesaid case be sent by the concerned Court, to the District and Sessions Judge, Mansa.

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

18.08.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No