



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

Sr. No.110

**TA-1483-2024
Date of Decision: 28.07.2025**

AMANDEEP KAUR AND ANOTHER

...Applicants

Versus

MANPREET KAUR AND OTHERS

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Kulwant Singh, Advocate
for the applicants.

Mr. Varun Gupta, Advocate
for respondents No.1 to 3.

Mr. Navdeep Jain, Advocate for
Mr. Sunny K. Singla, Advocate
for respondents No.4 and 5.

Mr. Lalit Garg, Advocate
for respondent No.6.

ARCHANA PURI, J.

The applicants, Amandeep Kaur and Ekamnoor Singh, have filed the present application for seeking transfer of the claim petition bearing No.MACP-59-2023, pending before Motor Accident Claims Tribunal, Moga and they seek transfer of the same to the Court of competent jurisdiction at Ludhiana.

Upon notice issued, the respondents made appearance through

their respective counsel. Contesting respondents No.1-Manpreet Kaur, on her behalf, as well as on behalf of her minor children, who are respondents No.2 and 3, have filed the reply.

Counsel for the parties heard.

It is submitted by the counsel for the applicants that marriage of respondent No.1, was performed with Kultar Singh and respondent No.1 had obtained divorce from said Kultar Singh. She had also taken past, present and future maintenance from Kultar Singh, for herself and her minor children. After seeking divorce from Manpreet Kaur, Kultar Singh had solemnized marriage with applicant No.1-Amandeep Kaur and he had also adopted applicant No.2-Ekamnoor Singh, as his son. However, Kultar Singh died on 16.11.2020, in a road accident. The applicants being his legal heirs, had filed the claim petition i.e. MACP-232-2021, which is pending before learned Motor Accident Claims Tribunal, Ludhiana and the copy of the said petition is Annexure P-1.

However, respondent No.1-Manpreet Kaur and her children, also filed a claim petition on 13.07.2023, before learned Motor Accident Claims Tribunal, Moga, for seeking compensation. Also, it is submitted that in the subsequent claim petition, filed at the instance of Manpreet Kaur, the applicants had filed an application for dismissal of the claim petition, but the said application was dismissed. However, an application under Order 1 Rule 10 CPC, was also filed by applicant No.2 and he was impleaded as respondent No.5, in the subsequent petition. It is submitted that since respondent No.1 had already obtained divorce, prior to the death of Kultar

Singh and he had married applicant No.1, therefore, applicant No.1 is entitled to any compensation to be awarded, on account of death of Kultar Singh and as such, the subsequent claim petition, which was filed after a gap of two years, at the instance of Manpreet Kaur, be transferred to Ludhiana, where the claim petition filed by the applicants is already pending.

On the other hand, while making reference to the reply filed, the counsel for respondents No.1 to 3 has submitted that respondent No.1 is legally wedded wife of deceased Kultar Singh and there is nothing coming on record, about the divorce having been effected between respondent No.1 and Kultar Singh. As such, a prayer has been made for dismissal of the application.

Section 24 of the CPC confers comprehensive powers on the Courts to transfer suit, appeals or other proceedings, at any stage, *‘either on an application by any party or suo motu’*. Time and again, the Courts have laid down broad propositions, as to what may constitute a ground of transfer of the case. Each case has to be considered in its own peculiar facts and circumstances. There is no cast-iron formula to be adopted by the Courts, while dealing with the transfer applications. Anyhow, besides taking into consideration the convenience/inconvenience of the parties and the kind of background, the parties belong to, one main reason to be considered by the Court is, as whether two suits/petitions, pending between the parties, raise common questions of facts and law between the parties, common to both the suits/petitions, which are pending in two different Courts. Considering the same, it has to be taken into consideration by the Court that it is in the

interest of justice to transfer one of those suits/petitions, to the other Forum, to be tried by the same Court, with a purpose of consequential avoidance of multiplicity in the trial of the same issues and risk of passing of conflicting decisions thereon.

Adverting to the case in hand, it is emphatically submitted by the counsel for respondents No.1 to 3 that no decree of divorce is coming on record. May it be so. This question is not to be divulged in detail by this Court, while dealing with the transfer application. Suffice to make mention that both the claim petitions i.e. MACP-232-2021 dated 08.10.2021, titled '*Amandeep Kaur and another vs. Sanjeev Kumar and others*' filed by the applicants and the second petition i.e. MACP-59-2023 dated 13.07.2023, titled '*Manpreet Kaur and others vs. Ram Niwas and others*', relate to award of compensation, on account of death of Kultar Singh son of Lachman Singh, in a motor vehicular accident.

In the light of the same, the facts as well as the law points involved in both the petitions, are same. The relief sought is same and the contesting parties in both claim petitions are also same. Precisely on this account, with a purpose to avoid passing of conflicting Awards, thereby, leading to multiplicity of litigation, it is just and expedient to accept the transfer application. Hence, the present transfer application is hereby **accepted** and the subsequent claim petition i.e. MACP-59-2023, titled '*Manpreet Kaur and others vs. Ram Niwas and others*', stands transferred from the Motor Accident Claims Tribunal, Moga, to the Court of competent jurisdiction at Ludhiana. The requisite record of the aforesaid case be sent

by the Motor Accident Claims Tribunal, Moga, to the District and Sessions Judge, Ludhiana.

Learned District and Sessions Judge, Ludhiana, shall assign the claim petition i.e. MACP-59-2023 to the same Court/Tribunal, where MACP-232-2021, titled '*Amandeep Kaur and another vs. Sanjeev Kumar and others*' is already pending. Even, the parties are directed to appear before concerned Tribunal at Ludhiana, within a period of one month from today onwards.

28.07.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No