



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.105 (2 cases)

Date of Decision: 10.03.2026

1. TA-1281-2023

HAWA SINGH AND ANOTHER

....Applicants

Versus

YASHMI AND OTHERS

.....Respondents

2. TA-38-2024

YASHMI AND ANOTHER

....Applicants

Versus

HAWA SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vikram Rana, Advocate
for the applicants (in TA-1281-2023) and
for respondents No.1 and 2 (in TA-38-2024).

Mr. Ravi Kumar Girdhwal, Advocate
for respondents No.1 and 2 (in TA-1281-2023) and
for the applicants (in TA-38-2024).

None for respondent No.3 (in both the applications).

Mr. Sachin Gupta, Advocate
for respondent No.4-Insurance Company
(in both the applications).



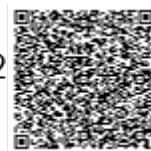
ARCHANA PURI, J. (Oral)

These are two applications, filed by the parents, as well as widow and son of the deceased-Anil Kumar, who died in a motor vehicular accident, for seeking transfer of the claim petitions, pending between the parties to the lis.

TA-1281-2023 has been filed by the parents of the deceased, for seeking transfer of the claim petition i.e. MACP/213/2022, titled '*Yashmi Singh and another Vs. Tabrej Alam and others*', filed by the wife, as well as son of the deceased (daughter-in-law and son-in-law of the applicants, respectively), pending in the Courts at Jhajjar and they seek transfer of the same to the Court of competent jurisdiction at Bhiwani.

TA-38-2024 has been filed by the widow, as well as son of the deceased, for seeking transfer of the claim petition i.e. MACP/266/2022, titled '*Hawa Singh and another Vs. Umed Singh and others*', filed by the parents of the deceased (parents-in-law of applicant No.1), pending in the Courts at Bhiwani and they seek transfer of the same to the Court of competent jurisdiction at Jhajjar.

In pursuance of the notice issued, respondents No.1, 2 and 4, made appearance through counsel in the respective applications. However, counsel for respondent No.3 did not make appearance, despite service. As such, he is proceeded against *ex parte*. Reply was filed in TA-38-2024, at the behest of parents of the deceased. However, no reply was filed at the behest of the widow, as well as son of the deceased, in TA-1281-2023. At



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this stage, their counsel has asserted that counter-application i.e. TA-38-2024, be considered as reply in the said transfer application.

Counsel for the parties heard.

For the convenience of discussion, the facts are taken up from TA-1281-2023.

At the very outset, it is pertinent to mention that both the claim petitions, pending before respective Tribunals, are at service stage only.

Counsel for the applicants (who are parents of the deceased) submits that their only son-Anil Kumar, had died in a motor vehicular accident and thereafter, respondent No.1 (daughter-in-law of the applicants), had fallen apart. Even, she had performed marriage with Shamsheer Singh, who is resident of Rohtak and she is enjoying her life there. However, both the applicants are stated to be senior citizens and also not having sufficient financial resources, to pursue the claim petition, filed at the instance of their daughter-in-law. Further, it is submitted that the accident had taken place, within the jurisdiction of Bhiwani Courts and FIR has also been filed in Tehsil Loharu, District Bhiwani. Even, the trial, relating to the accident in question, is pending in the Courts at Bhiwani. As such, considering the fact of remarriage of the respondent No.1, it is submitted that it calls for transfer of the claim petition filed by Yashmi. Also further, it is submitted that the distance between the two places is about 75-80 kms. on one side. As such, a prayer has been made for acceptance of TA-1281-2023 and dismissal of TA-38-2024.

On the other hand, counsel for respondents No.1 and 2, submits that the claim petition, filed at their instance, is earlier in time. Even,



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respondent No.1, is not having any source of earning. Also, she is taking care of the minor son, who is about 4 years old. However, counsel has admitted about remarriage performed by Yashmi, with Shamsheer Singh. On query by this Court, it is submitted that after her remarriage, Yashmi is now residing at her second matrimonial home in District Rohtak. In view of the same, counsel makes a prayer for acceptance of TA-38-2024 and dismissal of TA-1281-2023 .

In view of the submissions aforesaid, it is pertinent to mention that while adjudicating on the transfer application, various factors ought to be taken into consideration. Unfortunately, the only son of the applicants has died. Even, the widow is not having any source of earning and she is also taking care of the son, aged about 4 years, who has lost his father. However, considering the aforesaid constrained circumstances, another weighing factor, which is relevant for the disposal of the present applications, is about the remarriage performed by respondent No.1-Yashmi. After remarriage, she is staying at her second matrimonial home at Rohtak.

On query by this Court, both the counsel have stated that Bhiwani, where the claim petition is sought to be transferred by the parents of the deceased, is at a distance of 50 kms. from Rohtak and likewise, from Rohtak to Jhajjar, the distance is same i.e. 50 kms. As such, Rohtak is equidistant from Bhiwani, as well as Jhajjar. Considering this fact, it is pertinent to mention that the parents of the deceased are senior citizens. Definitely, as compared to the widow i.e. respondent No.1, the applicants are facing constrained circumstances, while pursuing the litigation, which is pending in the Courts at Jhajjar. Even though, Yashmi, does not have any source of



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earning, but however, she has remarried and as such, is being taken care of by her second husband, whereas, the parents of the deceased-Anil Kumar, are passing through the old age. Both the claim petitions are at service stage.

In view of the aforesaid fact situation, to avoid duplicacy of the evidence and also to avoid passing of the conflicting judgments, in the respective claim petitions, it is just and expedient to transfer the claim petition i.e. MACP/213/2022, filed at the instance of widow of the deceased. Hence, the transfer application i.e. TA-38-2024, filed by the widow, as well as son of the deceased is hereby dismissed and the transfer application i.e. TA-1281-2023, filed by the parents of the deceased is allowed and the claim petition i.e. MACP/213/2022, titled '*Yashmi Singh and another Vs. Tabrej Alam and others*', filed by the wife, as well as son of the deceased (daughter-in-law and son-in-law of the applicants, respectively), stands transferred from the Motor Accident Claims Tribunal, Jhajjar, to the Court of competent jurisdiction at Bhiwani. The requisite record of the aforesaid case be sent by the Tribunal concerned at Jhajjar, to the District and Sessions Judge, Bhiwani.

Learned District and Sessions Judge, Bhiwani, shall assign the said petition to the Tribunal, where claim petition between the parties to the lis i.e. MACP/266/2022, is already pending. Even, the parties are directed to appear before the Tribunal concerned, within a period of one month from today onwards.

In any case, taking into consideration the convenience of the widow-Yashmi, who is taking care of the minor son, she always has an



option to file an application for making appearance before the Tribunal concerned, as and when required, through virtual mode and upon filing of such application, the Tribunal shall consider the same and pass an appropriate order, in the fitness of circumstances.

10.03.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No