

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

Sr. No.102

TA-510-2022 (O&M)

Date of Decision: 10.02.2025

RAVINDER SINGH

....Applicant

Versus

CHARANJIT SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. N.S. Swaitch and
Ms. Harshmir Kaur Swaitch, Advocates
for the applicant.

Mr. Ritesh Aggarwal, Advocate for
Mr. Pankaj Bains, Advocate
for the respondent.

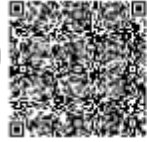
ARCHANA PURI, J. (Oral)

The applicant has filed the present application for seeking transfer of the civil suit i.e. CS/337/2020, titled '*Charanjit Singh v/s Ravinder Singh*', pending in the courts at Nabha, District Patiala and he seeks transfer of the same, to the court of competent jurisdiction at Hoshiarpur.

In pursuance of notice issued, respondent made appearance through counsel and filed reply.

Learned counsel for the parties heard.

At the very outset, it is submitted by the counsel for the



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applicant that the suit for recovery of an amount of Rs.33,39,000/- has been filed by the respondent against the present applicant, as the compromise had been allegedly effected between the parties, on the basis of an oral agreement to sell entered between them at Hoshiarpur, with regard to the '*immovable property*' situated at Hoshiarpur only. However, it is submitted that the agreement to sell, reached between the parties, was not honoured and the respondent himself revoked from the said agreement and refused to perform his contractual obligations. As a result thereof, the dispute arose between the parties. It was only on account of the pressure exercised by the respondent, the applicant was made to sign the compromise and his signatures were obtained without the fresh consent and the cheque amounting to Rs.5,00,000/- was obtained from him. On the basis thereof, the civil suit i.e. CS/337/2020 was filed in the Courts at Nabha. As such, it is submitted that the Courts at Nabha have no jurisdiction to deal with the said suit. Hence, the present application has been filed, thereby seeking transfer of the suit to Hoshiarpur.

On the other hand, counsel for the respondent resist the claim of the applicant. While making reference to the reply, it is submitted that the recovery suit relates to the cheque bearing number 006809 dated 17.07.2019, amounting to Rs.5,00,000/-. Since this cheque is subject matter of the dispute, the jurisdiction of the Nabha Courts cannot be questioned. It was only in the bank at Nabha that the cheque was presented and it was not honoured. One complaint under Section 138 of the Negotiable Instruments Act, is also pending against the applicant in the Courts at Nabha. Thus, the Courts at Nabha have the jurisdiction to try, entertain and decide the suit.

In view of the aforesaid submissions, it is pertinent to mention



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that no doubt as per Section 24 of the Code of Civil Procedure, a suit or proceeding can be transferred from a court, which has no jurisdiction to try, but however, the contents of the pleadings are required to be taken into consideration. The copies of the pleadings has not been placed on record. Furthermore, it is necessary to note that the applicant, as noted in the order dated 14.01.2025, passed by this Court, has been proceeded against *ex parte* before learned Trial Court. On the said date itself, an undertaking was given by the counsel for the applicant to file an application for setting aside of the *ex parte* proceedings, before learned Trial Court. However, on query by the court, counsel for the applicant submits that no such application has been filed. Also, he submits that the applicant is not inclined to file any application before learned Trial Court, for setting aside of the *ex parte* proceedings.

It is pertinent to mention that the applicant himself has not made appearance before learned Trial Court; he has not raised the issue of jurisdiction and also the copy of the plaint has not been placed on record. In the given circumstances, on the basis of the submissions made in the application, with regard to the dispute relating to the agreement to sell reached between the parties, relating to the land situated at Hoshiarpur, the manner of compromise having effected under the constrained circumstances and issuance of cheque forcibly from the applicant, are the questions which can be adjudicated only by the court, where the matter is pending and solely on this account, at this stage, it cannot be said that the Courts at Nabha, where the case is already pending, do not have any jurisdiction to try the case.

In the light of the aforesaid fact situation, no adjudication, with



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regard to the question of jurisdiction, can be done by this Court, at this stage.

Hence, the transfer application is hereby dismissed.

However, the court concerned shall adjudicate on the question of jurisdiction, as and when required.

10.02.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No