



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

Sr. No.109

TA-1382-2023

Date of Decision: 02.05.2025

HAKAM SINGH

....Applicant

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Karan Garg, Advocate
for the applicant.

Ms. Jagriti Kalia, AAG Punjab
for respondent No.1.

Mr. Kulwinder Singh, Advocate
for respondent No.2.

ARCHANA PURI, J. (Oral)

The applicant/father has filed the present application for seeking transfer of the appeal i.e. RCMS/18/2023 under Section 16 of the Maintenance & Welfare of Parents & Senior Citizen Act, 2007, which is pending before learned Appellate Tribunal-cum-Deputy Commissioner, Bathinda and he seeks transfer of the same to the court of competent jurisdiction at Moga, or any other district in Punjab.

Upon notice, the respondents made appearance through counsel and filed the reply.

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the dispute in the present case is between the applicant, Hakam Singh and one of his daughter, Jaswinder Kaur, respondent No.2, with regard to the property of the Hakam Singh. It is further submitted that



the wife of the applicant, namely, Hakam Singh, had died in the year 2021. No son was born from the marriage of Hakam Singh. In fact, two daughters were born. The elder daughter, namely, Baljit Kaur, is also resident of Bathinda, whereas other daughter is respondent No.2 Jaswinder Kaur.

Also, it is submitted that marriage of Jaswinder Kaur, was performed twice. However, due to the ill behaviour of Jaswinder Kaur, both the marriages were not successful. She is also having one son from her second marriage, namely, Gurkamal Singh, who is about 14 years old. It is further submitted that even though, respondent No.2 is staying in the house of the applicant, but she had mentally harassed the applicant, who is her father and is 81 years old. She has also committed theft of the applicant's tractor, relating to which, FIR was got lodged. Detail of the litigation pending between the parties has been given in the application, itself. Even, it is submitted that there are seven other cases pending between the parties at Phul. Being harassed by the conduct of respondent No.2, the applicant shifted to the house of the elder daughter, Baljit Kaur. Thus, while facing so much of harassment, he also apprehends threat to his life at the instance of respondent No.2 and therefore, the applicant wants the transfer of the case to Moga or any other district in Punjab, so that there is no interference of any kind at the instance of respondent No.2.

On the other hand, counsel for contesting respondent No.2 while making reference to the reply, submits that the applicant had voluntarily transferred the land, in the name of respondent No.2, who was taking care of the applicant. Only on account of interference at the behest of the other daughter, namely, Baljit Kaur, the dispute had taken place with the applicant.



Also, it is submitted that the case be not transferred to Moga, which is at a distance of about 80 kms. Rather, he made a prayer, if so required, the appeal be transferred to Mansa, which is at a distance of about 55 kms.

Considering the aforesaid submissions, it is very unfortunate that the dispute is between the aged father and daughter. However, there are several other cases pending between the parties, on account of this family dispute, but they are pending at Phul. The father, who is aged about 81 years, is apprehending threats to his life and also interference in the ongoing litigation due to the bad conduct of the Jaswinder Kaur, relating to whom, several FIRs have also been filed, which have been brought on record.

Considering the same, more particularly, considering the age of the applicant, who is to pursue the litigation, the transfer application, as such, is hereby accepted. However, instead of transferring the case to Moga, which is at a distance of about 80 kms, it is appropriate to transfer the case to Mansa, which is at a distance of about 55 kms, from Bathinda, to which counsel for the applicant also, has no objection.

Consequently, the appeal i.e. RCMS/18/2023 under Section 16 of the Maintenance & Welfare of Parents & Senior Citizen Act, 2007, stands transferred from the court of Appellate Tribunal – cum – Deputy Commissioner, Bathinda to the court of competent jurisdiction at Mansa. Even, the parties are directed to appear before the concerned Appellate Tribunal at Mansa, within a period of one month from today onwards.

02.05.2025

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**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : Yes/No