



TA-906-2023

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

Sr. No.104

TA-906-2023

Date of Decision: 18.08.2025

NEETU SHARMA

...Applicant

Versus

RAJNISH KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vivek K. Thakur, Advocate
for the applicant.

Mr. Yogesh Goel, Mr. Tejas Brar and
Mr. Mohit Singh, Advocates
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-Neetu Sharma, has filed the present application for seeking transfer of the civil suit i.e. CS/167/2023, titled '*Rajnish Kumar Vs. Vishal Kumar*', filed by the respondent, pending in the Courts at Phillaur, District Jalandhar and she seeks transfer of the same to the Court of competent jurisdiction at Kapurthala.

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

Counsel for the parties heard.



TA-906-2023

At the very outset, it is submitted by the counsel for the applicant that husband of the applicant, namely, Vishal Kumar, had committed suicide, due to harassment caused to him by the respondent-Rajnish Kumar, on 24.09.2022 and thereafter, the only male member in her family was her brother-in-law, who also died on 20.01.2023. The father-in-law of the applicant had already died, two years prior to the death of her husband. Further, it is submitted that the husband of the applicant had borrowed an amount of Rs.30,000/- and on this account, three blank cheques were obtained from him, as security. The said cheques had been misused by the respondent and as such, the civil suit has been filed, which is pending at Phillaur.

Also, it is submitted that on account of death of husband of the applicant, the applicant together with her daughter, is residing at her parental place in Kapurthala. Even, she is not having any source of earning. Her daughter is school-going and she is a student of 10th Class. In the given circumstances, it is submitted that it is difficult for the applicant, to commute a distance of about 75 kilometres, to defend the civil suit.

On the contrary, the counsel for the respondent has resisted the claim for transfer of the civil suit. He submits that the distance between the two places, where the civil suit is already pending and where it is sought to be transferred, is only 62 kilometres. In fact, while making reference to the legal notice issued and also about filing of the criminal complaint, in which the husband of the applicant was summoned, it is submitted that the amount borrowed had not been returned and thereafter, the respondent was constrained to file civil suit for recovery. Also, it is submitted that even



TA-906-2023

though, the applicant submits that she is not residing at Phillaur, but however, the property has been inherited by the applicant, from her in-law's family at Phillaur, which is in her possession and she is falsely stating about herself to be presently residing in Kapurthala. In this regard, reference is also made to the copy of the Aadhar Card, which reveals about the applicant to be a resident of House No.B5/61, Banian Mohalla, Phillaur.

Also, the counsel for the respondent makes reference to reply to the legal notice dated 11.03.2023, copy whereof is Annexure R-3. Therein, it is stated about the husband of the applicant, to be running shops at Mohalla Banian, Tehsil Phillaur. Further, it is submitted that both the properties i.e. shop, as well as the house, are in possession of the applicant, which fact has been intentionally concealed in the transfer application. Also, the counsel submits that even though, the respondent had filed an affidavit dated 20.01.2025, thereby showing about the properties i.e. shop No. 54 and House No.B5/61, Banian Mohalla, Purana Bazar, Phillaur, to be in the name of grandfather-in-law of the applicant, but however, it is submitted that in the counter-affidavit to the said affidavit, the response to paragraph No.6, wherein the properties are so stated, has not been specifically made.

This is a transfer application only. In the given circumstances, there is no necessity to make meticulous appraisal of the residence of the applicant, which fact can be adjudicated by the Court concerned (if need be). Suffice to consider that on query by this Court, it is disclosed by the counsel for the applicant that till date, there is no property inherited by the applicant and her daughter, from her in-laws side. Also, it is pertinent to mention that the applicant, allegedly started residing at Kapurthala, in pursuance of death



TA-906-2023

of her husband. Her daughter, who is the only child, is a student of 10th Class, at present, as submitted by the counsel for the applicant. Definitely, the applicant under the constrained circumstances, when she has herself not inherited any property and is even not having any source of earning, it shall be difficult for her to defend the civil suit, more particularly, while taking care of the daughter, who is school-going.

In view of the aforesaid fact situation and above all considering the convenience of the applicant, the transfer application is allowed and the civil suit i.e. CS/167/2023, titled '*Rajnish Kumar Vs. Vishal Kumar*', filed by the respondent, stands transferred from the Courts at Phillaur, District Jalandhar, to the Court of competent jurisdiction at Kapurthala. The requisite record of the aforesaid case be sent by the Court concerned, to the District and Sessions Judge, Kapurthala.

Learned District and Sessions Judge, Kapurthala, shall assign the said petition to the Court of competent jurisdiction at Kapurthala. 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