



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

**Sr. No.111+214**

**TA-33-2025 (O&M)  
Date of Decision: 01.09.2025**

**JASVIR KAUR**

**....Applicant**

**Versus**

**JAGGAR SINGH**

**.....Respondent**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. P.K. Garg, Advocate  
for the applicant.

Mr. J.S. Bhinder, Advocate  
for the respondent.

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**ARCHANA PURI, J. (Oral)**

**CM-17205-CII-2025**

The present application has been filed at the behest of the respondent, for placing on record the reply to the transfer application.

In view of the averments made in the application, same is allowed and the requisite reply is taken on record.

**Main case**

The applicant-wife has filed the present application for seeking transfer of the application i.e. CMA/64/2024, titled '*Jasvir Kaur Vs. Jaggar Singh*', pending in the Court of Smt. Tanvi Gupta, Civil Judge (Junior Division), Sunam and she seeks transfer of the same to the successor Court of Sh. G.S. Johal, Additional Civil Judge (Senior Division), Sunam.



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

Counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the respondent-Jaggar Singh, had filed a suit for declaration and permanent injunction i.e. CS/449/2018 dated 22.06.2018, which was decided *ex parte* vide order dated 24.05.2024, copy whereof is Annexure P-1. Further, it is submitted by the counsel that the applicant was never served in the aforesaid suit and as such, was proceeded against *ex parte*, without being aware of the pending proceedings. In the given circumstances, it is submitted that when the applicant came to know about the *ex parte* decree, having been so passed, she filed an application under Order 9 Rule 13 CPC and the same was marked to the Court of Smt. Tanvi Gupta, Civil Judge (Junior Division), Sunam. However, it is submitted that it ought to have been marked to the Court/successor Court, by which the *ex parte* decree was passed.

Also, it is submitted that the applicant had filed an application for seeking transfer of the aforesaid application i.e. CMA/64/2024, which is pending in the Court of Smt. Tanvi Gupta, Civil Judge (Junior Division), Sunam and simultaneously, sought transfer of the civil suit i.e. CS/142/2018, titled '*Jasvir Kaur and another Vs. Jaggar Singh*', to the successor Court of Sh. G.S. Johal, Additional Civil Judge (Senior Division), Sunam. However, the concerned District Judge, vide order dated 17.12.2024, copy whereof is Annexure P-4, had dismissed the said application. Counsel for the applicant, while making reference to Annexure P-4, submits that the Court never took into consideration about the application, having been filed for seeking



transfer of the application under Order 9 Rule 13 CPC, *vis-a-vis* the *ex parte* decree, which is to be dealt by the same Court, which passed the decree.

On the other hand, counsel for the respondent submits that subject matter of the civil suit, as well as the application under Order 9 Rule 13 CPC, is different and on this account, the present application cannot be allowed.

However, counsel for the applicant submits that the present application has been filed, only for seeking transfer of the application under Order 9 Rule 13 CPC i.e. CMA/64/2024, which was marked to the Court of Smt. Tanvi Gupta, Civil Judge (Junior Division), Sunam, whereas, the *ex parte* decree, giving rise to the said application, was passed by Sh. G.S. Johal, Additional Civil Judge (Senior Division), Sunam. On this account, it is submitted that the application ought to have been marked to the Court of Sh. G.S. Johal, Additional Civil Judge (Senior Division), Sunam, or the successor Court, but however, it was not so done. Now, a prayer has been made to transfer the application to the successor Court of Sh. G.S. Johal, Additional Civil Judge (Senior Division), Sunam. Same prayer is stated to have been made before the District Judge. However, the transfer application was decided by learned District Judge, while remaining under the impression that two civil suits were pending between the parties, relating to which the proceedings were going on in two different Courts, being oblivious of the passing of the *ex parte* decree by the Court of Sh. G.S. Johal, Additional Civil Judge (Senior Division), Sunam.

Considering the aforesaid circumstances, it is quite obvious that there was overlook by the District Judge, of the *ex parte* decree, having passed by the Court of Sh. G.S. Johal, Additional Civil Judge (Senior



Division), Sunam. Any application filed to seek setting aside of the *ex parte* decree, has to be allocated to the Court concerned, who had passed the decree. Sh. G.S. Johal, was posted at Additional Civil Judge (Senior Division), Sunam, at the time, when the application under Order 9 Rule 13 CPC was allegedly filed, but however, the same was not marked to the said Court. In fact, it was marked to the Court of Smt. Tanvi Gupta, Civil Judge (Junior Division), Sunam.

Considering the aforesaid factual position, the present transfer application is hereby accepted and the District Judge, Sangrur is hereby requested to withdraw the application i.e. CMA/64/2024, titled '*Jasvir Kaur Vs. Jaggar Singh*', from the Court of Smt. Tanvi Gupta, Civil Judge (Junior Division), Sunam and allocate the same to the successor Court of Sh. G.S. Johal, Additional Civil Judge (Senior Division), Sunam.

Even, the parties are directed to appear before the concerned Court, within a period of one month from today onwards.

In view of the aforesaid terms, the transfer application is hereby disposed of.

**01.09.2025**  
Himanshu

**(ARCHANA PURI)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No