



TA-158-2025 AND TA-159-2025

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

Sr. No.124+125

Date of Decision: 13.05.2025

TA-158-2025

JAI KISHAN VERMA AND OTHERS

...Applicants

Versus

THE DIRECTOR SECONDARY EDUCATION AND OTHERS

....Respondents

TA-159-2025

JAI KISHAN VERMA AND OTHERS

...Applicants

Versus

GENERAL PUBLIC AND OTHERS

....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Priyanshu Kamra, Advocate
for the applicants (in both the cases).

Mr. Reepu Dhaman, Advocate
for respondents No.1 to 4 (in TA-158-2025) and
for respondent No.2 (in TA-159-2025).



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Mr. Sandeep Kotla, Advocate
for respondent No.5 (in TA-158-2025) and
for respondent No.3 (in TA-159-2025).

ARCHANA PURI, J. (Oral)

Vide this order, I shall dispose of two applications, filed by Jai Kishan Verma and others, for seeking transfer of the litigation, pending between the parties to the lis.

TA-158-2025 has been filed by the applicants for seeking transfer of the civil suit for permanent injunction i.e. CS/281/2018, titled '*Jai Kishan Verma and others Vs. The Director and others*', filed at their instance.

TA-159-2025 has been filed by the applicants for seeking transfer of the petition under Section 372 of the Indian Succession Act i.e. SUCC/27/2017, titled '*Jai Kishan Verma and others Vs. General Public and others*', filed at the instance of the applicants.

Both the aforesaid cases are pending in the Courts at Panchkula and the applicants seek transfer of the same to the Court of competent jurisdiction at Abohar, District Fazilka.

In pursuance of the notice issued, respondents made appearance through counsel and filed replies in the respective applications.

The counsel for the parties heard.

For convenience, the parties shall be referred, as pleaded in TA-158-2025.

At the very outset, it is submitted by the counsel for the applicants that marriage of Neha Rohilla, daughter of applicant No.1, was

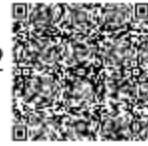


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performed with Varun Rohilla-respondent No.5 and from the said wedlock, applicant No.3-Dhriti Rohilla was born. The said Neha Rohilla was working in the office of Haryana Government as PGT Physics Teacher, vide ID No.203454 and PRAN No.110043749203 and was posted at G.G.S.S. Chhara, District Jhajjar. However, she was not keeping good health and her husband, Varun Rohilla, was not taking care of her, as a result whereof, she started staying with her parents. Entire expenses of her treatment were borne by applicants No.1 and 2. During her lifetime, Neha Rohilla had executed a registered Will, in favour of the applicants. She had died on 14.03.2017, leaving behind the applicants as legal heirs, on the basis of the said Will. The applicants approached the concerned department for release of the service benefits, but the same were not released. Also, it is submitted by the counsel that in the month of April, 2018, the applicants came to know from reliable sources, that there is collusion of department with Varun Rohilla and therefore, they have been releasing the service benefits of the deceased, in favour of respondent No.5-Varun Rohilla, while ignoring the registered Will.

In the given circumstances, it is submitted that three other cases are already pending in the Courts at Abohar; one is a criminal case i.e. CHI/31/2019, relating to FIR bearing No.90 dated 06.08.2017, under Sections 406 and 498-A IPC, got registered at Police Station City-2, Abohar; second is the guardianship petition i.e. GW/24/2021, filed by Varun Rohilla; and third is the maintenance petition i.e. MNT-125/5/2024.

In the light of the aforesaid, it is submitted that since applicant



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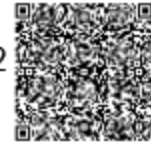
No.1 is an old man and applicant No.3 is the minor child, it is difficult for them, to commute a distance of about 300 kilometres, to pursue the litigation.

On the other hand, the counsel for the respondents have resisted the claim for transfer of the cases. In fact, in the reply filed on behalf of respondents No.1 to 4, Harpreet Kaur, Joint Director (Admn.), Secondary Education Panchkula, had though admitted about the employment of Neha Rohilla as a Post Graduate Teacher in Government Senior Secondary School, Chhara, District Jhajjar and also about her having died on 14.03.2017, but however, in the reply it is asserted that no benefit has yet been granted to any party, till date. In fact, it is also asserted that the succession petition has been filed within the jurisdiction, where the deceased ordinarily resided and worked.

Likewise, through separate replies, the counsel for respondent No.5-Varun Rohilla, has also resisted the claim for transfer of the aforesaid cases.

In reply to TA-158-2025, it has been submitted that the case was registered before learned Trial Court on 30.04.2018 and the same remained pending. After completion of the pleadings, the applicant had taken about 7 opportunities to complete the evidence and now, the case is fixed for evidence, for 09.04.2025, only for cross-examination of applicant No.2-Varun Verma.

Likewise, in reply to TA-159-2025, it is mentioned that the succession petition was registered by the Court on 19.09.2017. Notice was issued 23.10.2017 and the case remained pending for filing of the reply and



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then, for filing of the replication, for 21.10.2024. Reply to the stay application was filed and then, case was adjourned for 07.11.2024. The applicants had taken about 15 opportunities, to complete their evidence and now, the case is fixed for defendants evidence for 09.04.2025. Copies of the orders are attached with the reply, which are Annexures R-1 and R-2.

Considering the cases to be pending for pretty long time and evidence already having been recorded, at the instance of the applicants, it is submitted that no case is made out for transfer of the cases.

In view of the rival submissions aforesaid and also taking into consideration the very fact of the cases, which are sought to be transferred, to be pending for pretty long time and also considering the material brought on record, it is evident that the evidence of the applicants has completed. In the given circumstances, the inability or inconvenience caused to applicant No.1-Jai Kishan Verma, on account of his age and also to applicant No.3-Dhriti Rohilla, on account of her minority, as such, does not subsist, at present.

Otherwise also, it is not only the convenience of the applicants, which is required to be seen. The Court also has to take into consideration that the dispute is not between the applicants and Varun Rohilla only. There are the government departments also, who are party to the suit and who are also required to pursue the litigation. Considering the same, the interest of the government officials, also has to be taken into consideration. The other litigation pending between the parties, relates to the matrimonial dispute of the deceased-Neha Rohilla and respondent No.5-Varun Rohilla, to which the departments, which have been impleaded in the suits in hand, have no



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concern.

Considering the proceedings of civil nature, which do not call for appearance of the parties, on each and every date of hearing and more particularly, considering the stage of both the cases, as well as taking into consideration the fact that the son of applicant No.1, who is applicant No.2, is a young person and can very well pursue the litigation, no good ground is made out for allowing the applications.

Hence, the transfer applications are hereby dismissed.

13.05.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No