



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

Sr. No.101

TA-527-2022

Date of Decision: 21.03.2025

SATINDER PAL KAUR

....Applicant

Versus

JASWINDER SINGH SANDHU AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Arjun Sharma, Advocate
for the applicant.

Mr. A.P.S. Deol, Senior Advocate, assisted by
Mr. Arun Kumar Goyat, Advocate
for respondents No.1 and 2 (only contesting respondents).

Mr. A.P.J. Sehgal, Advocate
for proforma respondent No.4.

Mr. Bhrigu Dutt Sharma, Advocate
for proforma respondent No.6.

ARCHANA PURI, J. (Oral)

The applicant-Satinder Pal Kaur has filed the present application for seeking transfer of the Civil Suit i.e. CS/547/2021, titled '*Jaswinder Singh Sandhu and another Vs. Satinder Pal Kaur and others*', which is pending in the Court of Civil Judge (Senior Division), Jalandhar and she seeks transfer of the same to the Court of competent jurisdiction at Panchkula.



Upon notice, the respondents No.1 and 2 made appearance through counsel and filed reply.

The counsel for the parties heard.

At the very outset, it is submitted by the counsel for the applicant that the applicant is a senior citizen. She is widow of Lt. Col. Raminder Singh and is permanent resident of Panchkula. Being old lady, she is harassed by respondents No.1 and 2, by filing frivolous cases, in the Courts at Jalandhar. Also, it is submitted that the respondents are legal heirs of the husband of the applicant, from his first marriage. They had filed the suit against the applicant, thereby claiming the property and cash deposited in the bank accounts of the applicant and her husband. It is submitted that the applicant is an old lady and thus, it is difficult for the applicant to commute a distance of about 160 kilometres, from Panchkula to Jalandhar, to pursue the civil suit. Also, it is submitted that the applicant is living alone and thus, is being harassed by the respondent, in order to grab her property.

On the other hand, the counsel for respondents No.1 and 2, while making reference to the contents of the reply filed, submits that respondents No.1 and 2 were born from the wedlock between Lt. Col. Raminder Singh and Hardev Kaur. After the death of their mother, Hardev Kaur, Satinder Pal Kaur, applicant, started claiming about having married Lt. Col. Raminder Singh. However, respondents No.1 and 2 being legal representatives of late Lt. Col. Raminder Singh, filed the suit, after death of their father on 07.02.2021, as they are entitled to inherit the movable/immovable property as per natural succession. Further also, it is submitted that the application is liable to be dismissed on the ground of



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delay, as the applicant-Satinder Pal Kaur, had been pursuing the litigation through Mr. Davinder Gujral, Advocate, for the last more than two years. Earlier also, she had filed the civil suit i.e. CS/165/2021, titled '*Satinder Pal Kaur Vs. Jaswinder Singh and another*' against respondents No.1 and 2, for permanent injunction, with regard to interference in her possession, relating to Flat No.504-B, GH-86, Sector-20, Panchkula. However, when the said suit was at the stage of recording of evidence, the applicant had withdrawn the same. It is submitted that the applicant concealed the factum of said suit having filed by her.

Furthermore, it is submitted that Jaswinder Singh Sandhu, respondent No.1, is a heart patient, suffering from '*Coronary Artery ailment*', having undergone Angiography on 05.05.2014, at Chawla Heart Care Centre, Guru Nanak Mission Chowk, Jalandhar and was diagnosed to be a case of '*Ulcerated Plaque with probably Thrombus at mid LAD*'. Also further, the counsel submits that respondent No.1-Jaswinder Singh Sandhu was admitted in Chawla Heart Care Centre on 04.05.2014 and the procedure was done on 05.05.2014. He is under treatment for coronary heart disease, as well as he is Diabetic with Fatty Infiltration Liver (Grade-II), Bilateral Renal Concretions and Enlarged Prostate, as reflected from the latest USD report and he was treated at Sikka Hospital, Jalandhar by Urologist, who had advised to avoid travel. Also, it is submitted that respondent No.1 is getting treatment for Facial Palsy, from Honda Neuro Hospital, Jalandhar. The documents relating to the same have been annexed with the reply.

In the given circumstances, it is submitted by the counsel for respondents No.1 and 2 that it shall be too harsh for the respondent, if the



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transfer application is accepted. As such, a prayer has been made for dismissal of the application.

In view of the submissions aforesaid, it is pertinent to mention that generally, the Courts take into consideration the convenience of the women, while considering the transfer application. However, it is not a thumb rule. Each case has to be examined in the backdrop of its own peculiar facts. However, the paramount consideration must be to see that the justice, according to law, is done. The wide discretion has been given to the Courts to consider the various situations coming forth, while accepting/denying the transfer applications.

The applicant banks upon her status, of being a senior citizen, on which account, she claims it to be inconvenient for her to travel 160 kilometres, from Panchkula, to defend the civil suit at Jalandhar. On the other hand, as observed aforesaid, the respondent is having several medical ailments. Medical record has also been annexed with the reply. Considering the same, some balance has to be there, about the convenience/inconvenience of the parties.

Considering the aforesaid, it is pertinent to mention that the application in hand relates to the transfer of the civil suit, filed by respondents No.1 and 2. Considering the nature of litigation between the parties, the presence of the parties to the lis, is not called for, on each and every date of hearing. Perusal of the zimini orders annexed with the reply, reveals that the suit was dealt by the Court, for the first time, on 04.03.2021 and in pursuance of the notice issued, vide order dated 04.03.2021, the applicant-Satinder Pal Kaur, had made appearance through Mr. Davinder Gujral, Advocate and the said presence is marked in the order dated



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26.07.2021. Since then, the applicant is pursuing the suit through counsel.

Considering the very fact of the applicant having already engaged the counsel, as well as looking at the health status of respondent No.1-Jaswinder Singh Sandhu and also considering the fact of the presence of the parties not required on each and every date of hearing, no case is made out to transfer the civil suit.

Hence, the transfer application is hereby dismissed.

However, at the same time, to minimise the inconvenience (if any) to the applicant also, the applicant has an option to file an application before the Court concerned, thereby making a request for appearance through video conferencing, as and when required. Upon filing of such application, the Court concerned shall consider the same and pass an appropriate order.

21.03.2025

Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No