

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

Sr. No.116

TA-699-2025

Date of Decision: 15.09.2025

M/S GUPTA TILES & SANITARY THROUGH ITS PROPRIETOR

...Applicant

Versus

M/S G.L. DISPLAY FIXTURE AND OTHERS

....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Rohit Singh, Advocate
for the applicant.

Mr. Deepak Jain, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

The applicant-M/s Gupta Tiles and Sanitary has filed the present application for seeking transfer of the civil suit i.e. CS/1409/2022, titled '*M/s G.L. Display Fixtures Vs. M/s Gupta Tiles and Sanitary*', filed by the respondent(s), pending in the Courts at Sirsa and it seeks transfer of the same to the Court of competent jurisdiction at Naraingarh, District Ambala.

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 applicant-M/s Gupta Tiles and Sanitary, had entered into a business transaction with the respondent, for purchase of '*Iron Door Chokhat Frames*'. The applicant had paid an amount of Rs.2,76,000/-, in instalments between the period 04.03.2022 and 02.05.2022, towards the supply of the said frames. However, the respondent had supplied the frames worth Rs.57,525/- and issued two bills, in this regard. Despite repeated requests, the respondent failed to supply the remaining frames or refund the outstanding amount of Rs.2,18,475/-. Despite legal notice issued, the respondent denied about the remaining liability. In the given circumstances, the applicant had filed the suit i.e. CS/480/2022, at Naraingarh, for seeking recovery of Rs.2,18,475/-, together with interest. Subsequently, the respondent had also filed a separate civil suit i.e. CS/1409/2022, titled '*M/s G.L. Display Fixtures Vs. M/s Gupta Tiles and Sanitary*', which is pending before Additional Civil Judge (Senior Division), thereby claiming recovery of an amount of Rs.1,49,376/-, from the applicant. Therein, the respondent alleged that the applicant had purchased the goods worth an amount of Rs.3,18,376/-, but paid only Rs.1,69,000/-, leaving a balance of Rs.1,49,376/- outstanding, relating to which, the suit had been filed.

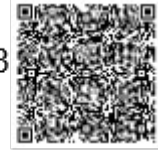
It is submitted by the counsel for the applicant that the suit filed by the applicant is previously instituted and therefore, the subsequent suit, filed by the respondent, ought to be transferred to Naraingarh, where the previously instituted suit is pending. In the given circumstances, it is submitted that the matter in dispute is same in both the suits and therefore, to avoid passing of contradictory judgments, both the suits should be tried by



the same Court.

On the other hand, counsel for the respondent(s) admits about the transaction in question, in both the suits to be same i.e. with regard to purchase of *'Iron Door Chokhat Frames'*. Furthermore, it is also not disputed that the suit filed by the applicant is the first suit and the suit filed by the respondent(s) is the subsequent one. But anyhow, he submits that in the case filed by the respondent(s), issues have already been framed and some evidence has been recorded, whereas in the other case i.e. filed by the applicant, the evidence is yet to begin.

Section 24 of the CPC had confers comprehensive power on the Courts to transfer suits, appeals or other proceedings, at any stage *'either on an application by any party or suo motu'*. No doubt, it is a discretionary power to transfer the cases, but however, such power has to be exercised with due care, caution and circumspection. No doubt, the plaintiff is a *dominus litis* and as such, is entitled to institute his/her suit in any forum, which the law allows him/her. However, the Court should not lightly change that forum and compel him/her to go to another Court, with consequent increase the inconvenience and expense of prosecuting his/her suit. The mere balance of convenience in favour of proceedings to be conducted in another Court, may not always be a sure criterion justifying the transfer. Each case has to be considered in its own peculiar facts and circumstances. The Courts, time and again have laid down broad propositions, as to what may constitute a ground for transfer of the case and one of them is where the two suits raising common questions of facts and laws between the parties common to both suits, are pending in two different



TA-699-2025

Courts. It is generally in the interest of justice, to transfer one of those suits to the other forum, to be tried by the same Court, with consequent avoidance of multiplicity in the trial of the same issues and risk of passing of conflicting decisions thereon.

Adverting to the case in hand, the plaints of both the suits, filed by the applicant, as well as the respondent(s), have come on record as Annexures P-1 and P-2. Perusal of the same categorically reveals about the business transaction having taken place between the parties to the lis, with regard to purchase of *iron door chokhat frames* etc. However, the dispute arose with regard to supply of the articles and the payment made, with regard to purchase of the goods. Close perusal of both the plaints reveals that the controversy in both the suits is, with regard to the business transaction between the parties, for the same period and the dispute is with regard to the extent of goods supplied and the amount having been paid for the purchase of the goods. As already observed aforesaid, it is not disputed that the suits relate to the same transaction, *vis-a-vis*, the purchase of *iron door chokhat frames* etc. Thus, it is evident that the matter in issue is directly and substantially relating to the same transaction. In the light of the same, to great extent, even the evidence to be recorded shall be common in both the said suits. Considering the same, it is pertinent to mention that if both the suits are continued in their respective forum, possibility of conflicting findings arrived on the question of payment having made or not and the goods having supplied or not, cannot be ruled out.

Such being the position, to avoid passing of conflicting judgments, the transfer application is allowed and the subsequent suit i.e.



TA-699-2025

CS/1409/2022, '*M/s G.L. Display Fixtures Vs. M/s Gupta Tiles and Sanitary*', filed by the respondent(s), stands transferred from the Courts at Sirsa, to the Court of competent jurisdiction at Naraingarh, District Ambala. The requisite record of the aforesaid case be sent by the Court concerned at Sirsa, to the District and Sessions Judge, Ambala.

Learned District and Sessions Judge, Ambala, shall assign the said petition to the Court of competent jurisdiction at Naraingarh. Even, the parties are directed to appear before the concerned Court, within a period of one month from today onwards.

15.09.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No