

SUPREME COURT OF INDIA

Kali Charan

Vs.

Sudha Rani

C.A.No.430 of 2011

(Dalveer Bhandari and Deepak Verma,JJ.,)

10.01.2011

ORDER

1. Leave granted.
2. The appellants are aggrieved by the order dated 30.1.2009 passed by the learned Single Judge of the High Court of Punjab and Haryana at Chandigarh in C.M. No.10110-CII/2007 (O & M).
3. Learned counsel appearing on behalf of the appellants submits that about 10 suits pertaining to the estate of Janaki Devi are pending before the Civil Court at District Panchkula. By the aforesaid order passed by the learned Single Judge of the High Court, Civil Suit No.30 of 2006 (re-numbered as 52901CO140 882006) and Civil Suit No.978 of 2006 (re-numbered as 52901CO136 812006) which also pertain to the estate of Janaki Devi, have been transferred from Panchkula to Yamuna Nagar. His apprehension is that there may be conflicting decrees if they are tried by different Courts. Therefore, it is in the interest of justice that one Court should decide all these cases.
4. As mentioned above, ten suits are already pending before the Civil Court at District Panchkula. Learned counsel appearing on behalf of the appellants further submits that the injunction suits which are pending before the Civil Court at Yamuna Nagar, appellants are not parties to those suits.
5. In the facts and circumstances of the case and in the interest of justice, we deem it appropriate to re-transfer the aforementioned suits to the Civil Court at District Panchkula. Accordingly, the impugned order is set aside. We also direct that the injunction suits, i.e. Civil Suit Nos.217, 486, 526, 288 and 85 of 2006, which are pending before the Civil Court at Jagadhri, District Yamuna Nagar (details of which have been given at Page D & E of the List of Dates to this petition) be transferred 3 to the Civil Court at District Panchkula.

6. We request the learned District Judge, Panchkula, either to decide these cases himself or assign them to one judicial officer who may decide all these cases expeditiously.

7. With these observations, this appeal is disposed of leaving the parties to bear their own costs.