

**HIGH COURT OF JAMMU & KASHMIR AT
JAMMU**

CTA (C) No. 15//2006 Date of Decision: 27.09.2007

Ishar Kour & Ors. Vs Baldev Singh & Ors.

Coram:

Hon;ble Mr. Justice Hakim Imtiyaz Hussain

Appearing Counsel:

For the petitioner(s) : Mr.Surinder Singh, Advocate
For respondents(s): : M/s K.B. Kaw & LK Seth,
Advocates.

- i/ Whether to be reported in
Press, Journal/Media :
ii/ Whether to be reported in
Digest /Journal :

This CTA (C) has been filed by Ishar Kour & Ors for transfer of the civil suit titled Surjit Singh & Ors. Vs. Baldev Singh & Ors from the court of Sub Judge, Poonch to any other court of competent jurisdiction at Jammu. The sole ground taken by the petitioners is that they are the residents of Jammu and are not, therefore, in a position to prosecute their case at Poonch. During arguments, learned counsel for the petitioners vehemently pressed this ground and placed on record a photo copy of the plaint filed by the petitioners which shows that most of the plaintiffs are the residents of Jammu.

Learned counsel relying on Sri Pamban Kumaraguruhara Swami Temple vs. K. Subramanya Mudaliar AIR 1977 Madras 27 states that under section 24 of the Code of Civil Procedure this court has got the power to transfer the case on various grounds and one of grounds being the convenience of the parties.

I have heard the learned counsels at length and have considered the matter.

I find merely on the ground that the petitioners are residents of Jammu City, the case cannot be transferred from the court of Sub Judge, Poonch to the court at Jammu. The dispute between the parties relates to a shop which is situated at Poonch. Thus the court at Poonch has got the territorial jurisdiction to try the suit. The defendants are also residents of Poonch. The petitioners have themselves instituted a suit at Poonch, as such I do not find any ground much less a sufficient ground is available to them to seek transfer of the case to Jammu. The transfer application is, therefore, dismissed.

Ordered accordingly.

(Hakim Imtiyaz Hussain)
Judge

Jammu
27.09.2007
Chuni/pps