

(1996) 09 AHC CK 0043

In the Allahabad High Court

Case No : Civil Miscellaneous Transfer Application No. 154 of 1996

Hans Pharmaceuticals and Chemicals (Pvt.) Ltd.

APPELLANT

Vs

Punjab Natitonal Bank

RESPONDENT

Date of Decision : 09-09-1996

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 24

Citation : (1996) 09 AHC CK 0043

Hon'ble Judges : S.K.Phaujdar, J

Judgement

S.K. Phaujdar, J.—This is an application under Section 24 CPC for transfer of Suit No.221 of 1993 from the court of the Addl. Civil Judge, Sr. Division, Jhansi, to the court of Addl. Civil Judge, Sr. Division, Muzaffarnagar. Learned counsel for both the sides S/Sri P.K. Singh and Sri Navin Sinha, appeared before me. The ground for transfer is that there had been a subsequent suit between the parties touching the same properties and suit is numbered as O.S. No.420 of 1995 before the Addl. Civil Judge, Sri Division, Muzaffarnagar. The other party appeared and the gist of the submission of the other party is that the subsequent suit filed at Muzaffarnagar should go to Jhansi Court. It can safely be presumed that the parties agree that the two suits may be tried by the same court in amaglagamated is manner. The only question that is to be determined is whether it should be tried at Jhansi or at Muzaffarnagar. It is gathered that the suit that was filed in 1993 is pending at the stage if pleadings. No issue has yet been framed. There is an interim order in that suit in favour of Punjab National Bank (in short, the bank). It is further gathered that although some of the properties of which an injunction was prayed for in the suit at Jhansi are situated within the jurisdiction of the Jhansi Court, most of the properties are situated within the jurisdiction of Muzaffarnagar court and the parties are also residents within the Muzaffarnagar jurisdiction. The first suit is for injunction against alienation of the suit properties and the second suit is for enforcing a mortgagedeed and the amount involved is Rs.67,00,00/(sixty seven lakhs). Under these circumstances, I feel that the Court at Muzaffarnagar would be better equipped to deal with the

matter as the evidence that is to come will come from the Muzaffarnagar jurisdiction mostly.

2. Accordingly, the present application stands allowed. Suit No. 221 of 1993 now pending before the Addl. Civil Judge, Sr. Division, at Jhansi, stands transferred to the file of the Addl. Civil Judge, Sr. Division, at Muzaffarnagar who will take up this transferred suit along with O.S. No.422 of 1995 which is already pending with him. The interim orders recorded in O.S. No.221 of 1993 shall continue as if it had been recorded by the Muzaffarnagar court and all other proceedings that have taken place so far in O.S. No.221 of 1993 shall remain effective and the court may begin only from that stage. The matter involves a big sum of money and the dispute is pending since 1993. Learned counsels show their eagerness for early disposal of the matter. In the circumstances, it is directed that the trial court shall expedite hearing of the two amalgamated matters and shall dispose of the suit as early as possible preferably within one year. Learned counsels may direct their parties to appear before the Muzaffarnagar Court on 9th October, 1996. Let copies of the present order be sent both to the concerned Jhansi Court and the Muzaffarnagar Court for compliance. The records must be sent from Jhansi to Muzaffarnagar Court within 7 days from the date of receipt of this order.

Application allowed.