

§ 32 & 33

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ TR.P.(C.) 69/2015

KALAWATI

..... Petitioner

Through: Mr.S.K.Sharma, Advocate.

versus

LALITA SHARMA

..... Respondent

Through: Mr.Jawahar Chawla, Advocate.

AND

+ TR.P.(C.) 70/2015 & CM No.21308/2015

AMAR NATH

..... Petitioner

Through: Mr.S.K.Sharma, Advocate.

versus

YOGESH KUMAR SHARMA

..... Respondent

Through: Mr.Jawahar Chawla, Advocate.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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05.11.2015

TR.P.(C) No.69/2015

TR.P.(C) No.70/2015

1. By filing these two transfer petition i.e. TR.P.(C) No.69/2015 and TR.P.(C) No.70/2015, the petitioners have prayed for transferring the two execution petitions bearing Ex.No.31/2014 titled as '*Smt.Lalita vs. Smt.Kalawati*' and Ex.No.32/2014 titled as '*Yogesh Kumar Sharma vs.*

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Amar Nath both pending in the Court of Ms.Rachna Tiwari Lakhanpal, Senior Civil Judge, West District, Tis Hazari Courts, Delhi to the competent Court in Central District, Tis Hazari Courts, Delhi.

2. Heard learned counsel for the parties.

3. Mr.Jawahar Chawla, Advocate for the respondents submits that the two suits i.e. Civil Suit Nos.93/2010 and 1072/2010 instituted by the respondents against the petitioners were filed prior to division of Delhi into nine Civil Districts. The said two civil suits were pending in the Central District and have been decreed by the Court in Central District. However, the execution petitions i.e. Ex.Nos.31/2014 and 32/2014 preferred against the judgments passed in the two civil suits were transferred to West District and transfer certificates to that effect were issued. Thereafter the petitioners herein filed appeals i.e. RCA Nos.63/2014 and 49/2014 in North-West District without territorial jurisdiction being vested in that Court. Mr.Jawahar Chawla, learned counsel for the respondents has referred to the order dated 30.06.2015 passed by this Court in RSA Nos.138/2015 & 139/2015 whereby the two appeals bearing RCA Nos.63/2014 and 49/2014 were transferred to the Court of learned District Judge, Central District, Tis Hazari Court where they are pending as on date. Learned counsel for the respondents submits that the entire purpose of the petitioners is to cause delay.

4. Mr.Jawahar Chawla, Advocate for the respondents submits that since the judgment and decree have been passed by the Court in Central District and the appeals are also pending in Central District, he has no objection if both the execution petitions bearing Ex.No.31/2014 titled as '*Smt.Lalita vs. Smt.Kalawati*' and Ex.No.32/2014 titled as '*Yogesh Kumar Sharma vs.*

Amar Nath’ both pending in the Court of Ms.Rachna Tiwari Lakhanpal, Senior Civil Judge, West District, Tis Hazari Courts, Delhi are transferred to the competent Court in Central District, Tis Hazari Courts, Delhi.

5. In view of the submissions made by learned counsel for the parties, both the execution petitions i.e. Ex.No.31/2014 titled as ‘*Smt.Lalita vs. Smt.Kalawati*’ and Ex.No.32/2014 titled as ‘*Yogesh Kumar Sharma vs. Amar Nath*’ are withdrawn from the Court of Ms.Rachna Tiwari Lakhanpal, Senior Civil Judge, West District, Tis Hazari Courts, Delhi and transferred to the Central District, Tis Hazari Courts, Delhi.

6. It is informed by learned counsel for the parties that execution petitions are listed before the Executing Court on 28th November, 2015.

7. The Executing Court is directed to send the files of both the execution petitions i.e. Ex.No.31/2014 titled as ‘*Smt.Lalita vs. Smt.Kalawati*’ and Ex.No.32/2014 titled as ‘*Yogesh Kumar Sharma vs. Amar Nath*’ to the Court of learned District Judge, Central District, Tis Hazari Court on or before 28.11.2015.

8. Parties are directed to appear before the learned District Judge, Central District, Tis Hazari Courts, Delhi on 28.11.2015.

9. Learned District Judge, Central District, Tis Hazari Court is directed to assign the two execution petition i.e. Ex.No.31/2014 titled as ‘*Smt.Lalita vs. Smt.Kalawati*’ and Ex.No.32/2014 titled as ‘*Yogesh Kumar Sharma vs. Amar Nath*’ to the competent Court in Central District having jurisdiction over the matters.

10. Copy of this order be sent to the Executing Court through learned District Judge, West District, Tis Hazari Courts, Delhi and also to the Court

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of learned District Judge, Central District, Tis Hazari Courts Delhi for compliance.

11. A copy of this order be also given dasti to learned counsel for the parties.

CM No.21301/2015 in TR.P.(C) No.69/2015

CM No.21308/2015 in TR.P.(C) No.70/2015

Dismissed as infructuous.


PRATIBHA RANI, J.

NOVEMBER 05, 2015

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