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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(C.) 1/2016**
OM PRAKASH

..... Petitioner

Through Mr. Sunil Satyarthi, Advocate

versus

GURDYAL SINGH

..... Respondent

Through Mr. R K Pandey, Proxy Advocate

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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26.04.2016

The prayer made in this petition is that the suit no. 314/2014 titled as 'Om Prakash vs. Gurdyal Singh' and suit no.310/2014 titled as 'Gurdyal Singh vs. Om Prakash' be transferred to the Court of Learned District & Sessions Judge, South District where the third suit between same set of parties bearing suit no. 03/2014 is pending.

Admittedly, parties to all these three abovementioned suits are real brothers. This Court has been informed that the first suit is for 'possession', the second one is for 'permanent injunction' while the third suit has been filed seeking 'partition' of the suit property(ies).

Parties had in fact made a joint application before the learned District & Sessions Judge seeking transfer of these suits to a common court but the said application was dismissed by the learned District & Sessions Judge noting that he had no power to pass inter se transfer order for any other district.

Keeping in view the aforementioned facts, the fact is established that the suits are pending before the learned Civil Judge, District South, Saket Courts. Accordingly to avoid conflict of judgment, in the interest of justice, both these suits i.e. suit no. 314/2014 titled as 'Om Prakash vs. Gurdyal Singh' and suit no.310/2014 titled as 'Gurdyal Singh vs. Om Prakash' inter se between same parties, which are being heard by the learned Civil Judge, District South, Saket Court be directed to be transferred and be tried by the court of Additional District Judge (South-East District), Saket Court where suit no. 3/2014 is pending.

Accordingly, this petition is allowed and parties are directed to appear before the learned District & Sessions Judge, (south District) on 24th May, 2016 who shall pass appropriate orders for transfer.

Order dasti under the signatures of the Court Master.

INDERMEET KAUR, J

APRIL 26, 2016/sm