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

+ TR.P.(C.) 19/2016 and CM No. 5246/2016 (stay)

SAROJ DATTA & ANR Petitioner
Through Mr. S.K.Sharma, Mr.Prayas Aneja
and Mr.Umang Chopra, Advocates.

versus

SWARAN LATA SHARMA & ANR Respondents
Through Ms.Anjali Chopra, Advocate for R-1.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

05.12.2016

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1. By the present transfer petition filed under Section 24 CPC, the petitioner seeks transfer of Suit No. 217 of 2012/CS(OS) No. 12882/2016 titled as “Swaran Lata Sharma vs. Saroj Datta & Ors.” pending in the Court of Mr. Harish Kumar, ADJ, Central District, Tis Hazari Courts to the Court of District Judge, Saket Court, New Delhi.

2. The basic background facts are that the petitioners entered into a collaboration agreement with respondents No.1 and 2. The collaboration agreement could not be completed as the suit property, namely, A-1/A, Hauz Khas, New Delhi is located near an ancient monument and necessary permission in this regard could not be obtained. Respondent No. 1 has filed the suit for specific performance of agreement dated 20.01.2004 which is pending in the court of Mr.Harish Kumar , ADJ, Central District, Tis Hazari

Courts, Delhi. The said suit is at the stage of evidence/cross-examination of the first defendant.

3. Another suit has been filed by respondent No.2 under Section 6 of the Specific Relief Act seeking possession of the suit property. The suit was filed in this court and now stands transferred to the concerned District Judge, Saket Court.

4. Learned counsel appearing for the petitioners submits that the property in dispute is situated within the jurisdiction of Saket Court. He submits that all parties reside in South Delhi i.e. within the jurisdiction of the Saket Court. He submits that the apprehension of the respondents about delay in disposal of their suit filed in Tis Hazari is misplaced as both the suits i.e. pending in the Saket Court and the suit pending in Central District, Tis Hazari are at the same stage i.e. evidence/cross-examination of the defendant's witness.

5. Learned counsel appearing for the respondent has expressed apprehension about delay in disposal of their suit on account of this move of the petitioners stating that it is only a tactic to delay the proceeding.

6. In my opinion, both the suits are roughly at the same stage, namely, defendant's evidence. The property is located within the jurisdiction of the District Judge (South), Saket Court, New Delhi. The parties are also residing in the same vicinity. It would be in the interest of justice also that the two suits are tried together as conflicting judgments otherwise would create difficulties for the parties.

7. In the interest of justice, Suit No. 217/2012/CS(OS) 12882/2016 titled as "Swaran Lata Sharma vs. Saroj Datta & Ors." pending in the Court of Mr. Harish Kumar, ADJ, Central District, Tis Hazari Courts be transferred

to the Court of Mr.B.R.Bansal, ADJ-02, (SE), Saket Court, New Delhi to be heard along with CS(OS) 232/2016 titled as “Sudhir Haryal vs. Saroj Dutta & Ors.”. The parties will appear before the concerned District Judge, South, Saket Court on 13.01.2017.

8. With the above observations, the present petition stands disposed of.

9. All pending applications also stand disposed of.

JAYANT NATH, J

DECEMBER 05, 2016

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