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

+ **TR.P.(C) 15/2016**

RAJ KUMAR ARORA Petitioner

Through: **Mr. Kailash Chandra, Adv.**

Versus

M/S HABITAT INDIA & ORS Respondents

Through: **Mr. Pushkar Taimni, Adv. for D-1.**

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

27.10.2016

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1. The petitioner by this petition under Section 24 of the Code of Civil Procedure, 1908 (CPC) seeks transfer of a suit filed by the petitioner against the three respondents and earlier pending in this Court and transferred to the Court of the District Judge (South-East), Saket Courts, New Delhi, to District Judge (South), Saket Courts, New Delhi, contending that the office of the respondent No.1 who is the only contesting defendant in the suit falls in the territorial jurisdiction of District Judge (South) and not District Judge (South-East).

2. Notice of the petition was issued. Only the respondent No.1 has been served and appears. The report of service of respondent No.2 is awaited and the notice issued to the respondent No.3 has been returned unserved with the endorsement that the respondent No.3 has left the premises.

3. The counsel for the petitioner/plaintiff has however filed an affidavit of service of the respondents No.2&3 as well.

4. I have enquired from the counsel for the petitioner, whether the learned Additional District Judge (South-East), Saket Courts, New Delhi before whom the suit is now pending has taken any objection as to the territorial jurisdiction of that Court.
5. The reply is in the negative.
6. The counsel for the respondent No.1 states that he has no objection to the suit being tried in the Court in which it is already pending.
7. In this view of the matter and in exercise of the power under Section 24 of CPC, it is ordered that Civil Suit No.96/2016 may proceed in the Court of Additional District Judge / District Judge (South-East), Saket Courts, New Delhi.
8. The transfer petition is disposed of.

RAJIV SAHAI ENDLAW, J.

OCTOBER 27, 2016

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