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IN THE HIGH COURT OF DELHI AT NEW DELHI

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TR.P.(C.) 20/2015 & C.M. No.7675/2015 (stay)

JAI BHAGWAN & ANR

..... Petitioners

Through Mr. Rajendra Dutt, Adv.

versus

RAM KUMAR & ORS

..... Respondents

Through Mr. Munish Chhoker, Adv.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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15.01.2016

The petitioners are seeking transfer of Suit No.33/2007 titled Jai Bhagwan and Another Vs. Ram Kumar and Another pending in the Court of Civil Judge, Karkardooma Courts to the Court of learned Additional District Judge, Tis Hazari Court, Delhi where case No. 77/2006 titled Jai Bhagwan and Another Vs. Ram Kumar and Another is pending. Submission being that to avoid conflict judgments, it would be appropriate if both the suits are tried by the same Court.

Respondents have been served. They have put an appearance. They have opposed the prayer.

Record shows that the first suit i.e. Suit No. 333/2007 pending before the Civil Judge, Karkardooma Court is suit for declaration and cancellation of relinquishment deed which had been executed inter-se the family members of the defendant in favour of Ram Kumar. That suit is at the stage of final hearing. The second suit which is a suit under Section 6

of the Specific Relief Act is pending before the Court of learned Additional District Judge, Central District, Tis Hazari Court in which issues have been framed and the plaintiff's evidence stands closed and the matter is at the stage of defendant's evidence.

In opposition, learned counsel for the respondents has rightly pointed out that besides the fact that the first suit is at the stage of final arguments and in the second suit, the evidence is still in progress which is yet going to take time. The second objection is that the first suit relates to the jurisdiction of the Civil Judge whereas the second suit is being tried by the Additional District Judge and as such it may not be feasible to club the two suits together.

Learned counsel for the petitioners on the other hand submits that the subject matter of the suit property is common; it is the same suit property and it was during the pendency of the first suit that the plaintiff had been dispossessed pursuant to which he had filed the second suit under Section 6 of the Specific Relief Act.

Noting the above factual matrix but also noting the prayers made in the two suits which are distinct and different; it may not be in the interest of justice to club the two suits together; also noting that both the suits are at the different stages of hearing as also the fact that the two suits relate to jurisdiction of two distinct Courts, this Court is not inclined to pass any order on this petition which is accordingly dismissed.

INDERMEET KAUR, J

JANUARY 15, 2016

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