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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(C) No.32/2016**
MRS SURINDRI BHEL & ANR Petitioners
Through: Mr. Balaji Subramanian, Adv.
versus

PREM NATH MOTORS LTD & ORS Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER
% **21.07.2016**

IA No.8478/2016 (for exemption).

1. Allowed, subject to just exceptions.
2. The application stands disposed of.

TR.P.(C) No.32/2016.

1. Transfer is sought of CS No.103/16/2005 titled *Devendra Nath Vs. Prem Nath Motors Ltd.* of the Court of Dr. Vijay Kumar Dahiya, Additional District Judge (Central-07), Tis Hazari Courts, Delhi to the District Judge, New Delhi District, Patiala House Courts, New Delhi on the ground that the subject suit earlier pending in this Court as CS(OS) No.1399/2005 was vide order dated 22nd January, 2016 of the Joint Registrar of this Court erroneously transferred to the Court of the District Judge (Central), Tis Hazari Courts, Delhi when in fact the property subject matter of the suit is situated within the jurisdiction of the District Judge, New Delhi District.
2. Though the order dated 13th May, 2016 of the Additional District Judge (Central-07) before whom the suit is now pending does not reflect that the Additional District Judge found that Court did not have territorial

jurisdiction to entertain the suit but there is no ground to disbelieve the plaintiff/petitioner and it is felt that in the facts, no need for issuance of notice of this petition to the defendants/respondents arises.

3. The petition is disposed of with a direction for transfer of CS No.103/16/2005 of the Court of Dr. Vijay Kumar Dahiya, Additional District Judge (Central-07), Tis Hazari Courts, Delhi to the Court of District Judge, New Delhi District, Patiala House Courts, New Delhi if the Additional District Judge before whom the suit is pending and listed next on 2nd August, 2016 is also satisfied that he does not have the territorial jurisdiction to entertain the suit and in which case the learned Additional District Judge is requested to fix a date for appearance of the parties before the District Judge/Additional District Judge, New Delhi District.

No costs.

Dasti.

RAJIV SAHAI ENDLAW, J

JULY 21, 2016

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