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

+ **TR.P.(C) 38/2016**

SH ASISH KUMAR DEY

..... Petitioner

Through : Ms Mamta Tiwari and Mr Savinder
Singh, Advocates.

versus

DR. NITISH KUMAR SENGUPTA

..... Respondent

Through : Mr Samvat Nigam, Advocate for R-1.
Mr Sandeep Mittal, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.09.2016

IA No. 10756/2016

Allowed, subject to all just exceptions.

The application is disposed of.

TR.P.(C) 38/2016

1. The petitioner has filed the present petition, *inter alia*, praying for transfer of the suit bearing No.28/2016 titled as “***Dr. Nitish Kumar Sengupta (Since deceased) and Anr. v. Ms Mekhala Sengupta and Ors.***” which is currently pending before the Court of Learned Additional District and Sessions Judge, Patiala House Court, New Delhi.

2. The said suit was initially instituted in this Court and was registered as CS(OS) 3076/2011. The said suit was thereafter transferred on account of increase in the pecuniary jurisdiction to the Court of Learned Additional

District Judge by an order dated 07.01.2016 (as modified by an order dated 11.03.2016).

3. The only ground urged by the learned counsel for the petitioner for transfer of the suit is that the suit involves questions of foreign law. And, that the matter was heard at length by a Single Judge of this Court.

4. Insofar as the contention regarding question of foreign law is concerned, I do not find any merit in the same as the Additional District Judge is fully competent to address the issues involved in the present suit. As far as the contention that the matter was part heard is concerned, the same is not tenable as due to change in assignments and passage of time it is unlikely that the matter can be heard by the same Bench. Furthermore, it is not disputed that such a request had been made at the time when the order transferring the suit was passed. Clearly the Single Judge had taken the decision to transfer the matter being fully aware that the matter was partly heard.

5. In view of the above, the present petition is dismissed.

SEPTEMBER 23, 2016
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VIBHU BAKHRU, J