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

+ TR.P.(C.) 113/2016

SHAMIM ZAFAR & ANR Petitioner
Through Mr.S.S.Haider, Adv.

versus

DILAWAR HUSSAIN MALIK & ANR Respondent
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **03.10.2016**

1. As the respondent/judgment debtor has not yet been served in the Execution Petition it is not thought necessary to serve the respondent with a notice of the present petition.

2. The present petition is filed seeking transfer of the decree dated 11.11.2013 passed by the trial court and the consequent Execution Petition for execution to South East District from the South District. Learned counsel for the petitioner relies upon the order of the Court of Additional Sessions Judge dated 12.5.2016 which reads as follows:-

“ This execution petition has been received by order dt.28.03.2016 of Ld.ADJ-06, South wherein it is mentioned that ex-parte judgment and decree although were passed by Ld.ADJ-03, South but the suit property is situated within the jurisdiction of South-East District.

Counsel for the DH is directed to move the Hon'ble High Court of Delhi by way of Transfer Petition by getting the decree transferred to the South-East District for execution.

Till then the file is returned to the Court of Sh.Ajay Gulati, Ld.ADJ-06, South, to be kept sine die in the Record Room.

The file be returned to the Court of Ld.ADJ-06, South for 13.05.2016.”

3. It appears that the Execution has been kept *sine die* to await the present transfer petition. Learned counsel for the petitioner submits that the suit was decreed for specific performance and permanent injunction and a decree was passed on 11.11.2013 whereby the respondents were to execute the sale deed for property bearing No.S-18/18 situated near Mumtaz Masjid, part of Khasra No.427/260, situated at Joga Bai Extention, Jamia Nagar, Okhla, New Delhi. It is submitted that this property falls in South East District.

4. In view of the above, the present Transfer Petition is allowed. The Execution Petition shall be transferred to the concerned court of South East District.

5. Petition stands disposed of. All pending applications, if any, also stand disposed of accordingly.

6. Dasti.

JAYANT NATH, J

OCTOBER 03, 2016

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