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

+ TR.P.(C) 20/2015 and I.A. No. 23640/2015

MR. ARUN SUD

..... Petitioner

Through: Mr. Rakesh Kumar & Mr. Parmod
Sachdeva, Advocates.

versus

DR. ABHA SOOD & ORS

..... Respondents

Through: Mr. Rajeev Sharma, Advocate for
Mr. Ajay Dabas, Advocate for
respondents No.1 & 3.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

16.03.2016

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Despite opportunity, no reply has been filed by respondents No.1 & 3. The LRs of respondent No.2 have already stated that they are not contesting the petition.

This transfer petition has been filed by the petitioner to seek transfer of the Probate Case being PC No.283/2014 titled “*Mrs. Abha Sood Vs. State & Others*” from the Court of Ms. Vrinda Kumari, Additional District Judge-03, New Delhi District, Patiala House Courts, New Delhi, to this Court for being clubbed and heard with C.S. (OS) No.2682/2012 titled “*Arun Sud Vs. Dr.(Mrs)Abha Sood & Others*”.

The petitioner has filed C.S. (OS) No. 2682/2012 to seek partition of the property left by Smt. Ved Sud, mother of the parties. However, Mrs.

Abha Sood, who is respondent No.1 in the present transfer petition has filed the aforesaid probate case setting up a Will of late Mrs. Ved Sud in her favour. It is, therefore, abundantly clear that the issues involved in both the proceedings would be the same and the subject matter of the proceedings is also the same. Since the valuation of the aforesaid suit is beyond Rs.2 Crores, the same is to be tried in this Court.

Accordingly, Probate Case being PC No.283/2014 titled “*Mrs. Abha Sood Vs. State & Others*” stands transferred to this Court and the same shall be clubbed with C.S. (OS) No.2682/2012 titled “*Arun Sud Vs. Dr.(Mrs)Abha Sood & Others*”. Since the suit is stated to be listed on 26.03.2016, the Registry shall ensure that the record of the probate case is requisitioned without any delay.

The petition stands disposed of.

VIPIN SANGHI, J

MARCH 16, 2016

B.S. Rohella