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

+ **TR.P.(C.) 5/2017**

ZAKIR HUSSAIN

..... Petitioner

Through: Mr. K.S. Singh & Ms. Rakhi Sharma,
Advs.

Versus

VINOD KUMAR @ VINOD SINGH & ANR

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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03.08.2017

1. Transfer is sought of a suit instituted by the petitioner in the Court of the District Judge (East), Karkardooma Courts, Delhi to the Court of the District Judge (Shahdara), Karkardooma Courts, Delhi on the ground that that the police station within whose jurisdiction the property subject matter of the suit is situated has been shifted from Sessions Judge (East) to Sessions Judge (Shahdara).
2. Notice of the petition was issued and the counsel for the respondents appeared on earlier dates.
3. None appears for respondents today.
4. Attention in this respect is drawn to the order dated 16th November, 2016 where the contention of the counsel for the petitioner / plaintiff in this regard is noted though the learned Judge has not returned any finding. In the absence of any finding by the Judge, the petitioner cannot take any advantage thereof.
5. I have enquired from the counsel for the petitioner the nature of the suit and whether the civil jurisdiction also has changed.

6. It is informed that the suit is for recovery of possession of immovable property and the counsel confirms that the civil jurisdiction also stands changed.

7. Considering the fact that if the petitioner is not correct in his statement, it is the petitioner's suit for recovery of possession of immovable property which will be delayed and further considering the fact that the suit is now informed to be listed next on 17th October, 2017 awaiting transfer and is at the stage of hearing of arguments on the application of the petitioner/plaintiff under Order XII Rule 6 of the CPC, need to await the respondents is not felt.

8. The petition is allowed.

9. Civil Suit No.339/2016 titled Zakir Hussain Vs. Vinod Kumar @ Vinod Singh & Anr. is directed to be transferred from the Court of Ms. Nisha Saxena, ADJ-03, East District, Karkardooma Courts, Delhi to the Court of District Judge, Shahdara District, Karkardooma Courts, Delhi.

10. Parties to now appear before the District Judge / ADJ (Shahdara), Karkardooma Courts, Delhi on 17th October, 2017 and the file of the suit be transferred accordingly.

The petition is disposed of.

RAJIV SAHAI ENDLAW, J

AUGUST 03, 2017

'gsr'..