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

+ TR.P.(C.) 49/2017

PANCHSHEEL MARKETING PRIVATE LIMITED Petitioner

Through: Mr. Anjani Kumar Mishra, Adv.

Versus

STATE BANK OF BIKANER & JAIPUR & ANRRespondents

Through: Mr. Alok Bhachawat, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **16.08.2017**

1. The matter has been taken up today as 14th August, 2017 was declared a holiday.

2. This transfer petition seeks transfer of Case No.1757/2016 titled as “*M/s Panchsheel Marketing Private Limited Vs. State Bank of Bikaner & Jaipur*” pending adjudication before the Court of the Additional District Judge (ADJ)-03 (East), Karkardooma Courts, Delhi to District Judge (Central), Tis Hazari Courts, Delhi on the ground that the property subject matter of the suit is situated within the jurisdiction of the District Judge (Central), Tis Hazari Courts, Delhi.

3. A perusal of the plaint shows the suit to be (i) for mandatory injunction directing the defendant No.1 to continue to pay rent to the petitioner/plaintiff; (ii) for declaration qua the rate of interest; and, (iii) for perpetual injunction restraining the respondent/defendant No.1 from paying any amount to any other person and/or from parting with possession of the property at Shankar Road, Rajinder Nagar, New Delhi-110060.

4. None of the reliefs are such, jurisdiction for grant whereof depends upon the situs of the property.
5. The counsel for the petitioner/plaintiff, along with the petition has also filed a copy of the order dated 18th January, 2017 of the Suit Court but which also records merely the submission of the counsel for the petitioner/plaintiff and does not contain any finding of the Suit Court being of the view that it did not have territorial jurisdiction.
6. Rather, the counsel for the petitioner/plaintiff states that another suit being Suit No.1787/2016 that has been filed by respondent/defendant No.2, The Vishwa Ahimsa Sangh, is also pending before the same learned ADJ and further states that the counsel therein also had stated that he will be applying for transfer but has not applied.
7. Notice of the petition was issued and the counsel for the respondent/defendant No.2 The Vishwa Ahimsa Sangh appears.
8. On enquiry, as to the need for transfer, both counsels state that they have no objection to the suits continuing before the Court before which they are pending. The counsel for the respondent/defendant No.2 The Vishwa Ahimsa Sangh also states that no application for transfer of Suit No.1787/2016 has been filed till now.
9. In view of the aforesaid, no need for transfer is felt.
10. The petition is dismissed.

No costs.

RAJIV SAHAI ENDLAW, J.

AUGUST 16, 2017

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