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

+ TR.P.(C.) 40/2016

SAMINA

..... Petitioner

Through: Mr.S.I.Alam, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI & ORS Respondents

Through: Mr.Mohd. Asif, Advocate for R-3.
ASI Hoshiyar Giri, PS Jamia Nagar.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **25.04.2017**

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1. By filing the present petition, the petitioner is praying for transfer of Civil Suit No.412/2014 titled as '*Smt.Samia vs. MCD & Ors.*' pending in the Court of Ms.Chhavi Kapoor, Civil Judge, Central District, Tis Hazari Court, Delhi to the Court of Civil Judge, South East District, Saket, Delhi which is having territorial jurisdiction to try and entertain the suit.
2. I have heard learned counsel for the petitioner.
3. The transfer of Civil Suit No.412/2014 titled as '*Smt.Samia vs. MCD & Ors.*' pending in the Court of Ms.Chhavi Kapoor, Civil Judge, Central District, Tis Hazari Court, Delhi to a Court of Civil Judge, South East District, Saket, Delhi is being sought mainly on the ground that the suit property is situated Jamia Nagar, Okhla, New Delhi which falls in South East District, Saket Court.

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4. Learned counsel for the petitioner submits that Civil Suit No.412/2014 titled as '*Smt.Samia vs. MCD & Ors.*', transfer of which is sought by the petitioner, has been filed by the petitioner in the year 2004 prior to the division of Delhi into nine Civil Districts in the year 2008.

5. As per para 6 of Notification no.3089/DHC/Gaz./VI.E.2(a)2008 dated 22nd October, 2008 issued by High Court of Delhi, wherein instructions have been issued about the pending cases at the time of division of Delhi into nine Districts, reads as under :-

*“The cases pending prior to the division of Delhi into the nine Civil Districts under Land Acquisition Act, Delhi Rent Control Act and Public Premises Act are being transferred as per the jurisdiction of different Civil Districts. **All other pending civil cases will continue to be tried and heard in the courts already hearing them or their successor Courts at Tis Hazari Courts, Karkardooma Courts or Rohini Courts (as the case may be).**”*

6. In view of above, no ground is made out to transfer the Civil Suit No.412/2014 titled as '*Smt.Samia vs. MCD & Ors.*' pending in the Court of Ms.Chhavi Kapoor, Civil Judge, Central District, Tis Hazari Court, Delhi to a Court of Civil Judge, South East District, Saket.

7. The transfer petition is dismissed.

CM No.11542/2016 (Stay)

Dismissed as infructuous.

PRATIBHA RANI, J.

APRIL 25, 2017

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