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

+ TR.P.(C.) 43/2017

SUNIL KUMAR Petitioner

Through: Mr.M.K. Singh, Advocate

Versus

MUNNI DEVI AND ANR Respondents

Through: Mr. Anil Sharma, Mr. Aman
Bhardwaj, Advocates

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **09.11.2017**

1. Transfer invoking Section 24 of the Code of Civil Procedure, 1908 (CPC), is sought of RCA No.66/2016 titled ***Sunil Kumar vs. Munni Devi & Anr.*** from the Court of Sh. A.K. Sarpal, Additional District Judge-02, North East, Delhi to the East District.
2. Notice of the petition was ordered to be issued and the counsel for the respondents appears.
3. Though the counsel for the respondents has no objection to the transfer but I have enquired the ground for transfer.
4. The counsel for the petitioner has drawn attention to the order dated 18th February, 2017 in the appeal.
5. However, vide the said order, the learned Additional District Judge has not returned any finding, of the North East District not having jurisdiction and it is the counsel for the respondents who, during his

arguments raised the said plea and the counsel for the petitioner merely accepted the same resulting in the final arguments heard being derailed.

6. The reason for transfer stated before this Court is that the location of property No. S175, School Block, Shakarpur, Delhi subject matter of appeal is in East District. The decree under appeal is of dismissal of the Suit which sought declaration of share of the petitioner in the said property.

7. The petition is allowed. The appeal aforesaid is transferred to the District Judge, East.

8. Transferor Court is requested to forthwith immediately physically transfer the file.

9. The parties to appear before the District Judge / Additional District Judge, East, on 14th November, 2017.

RAJIV SAHAI ENDLAW, J.

NOVEMBER 09, 2017

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