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

+ TR.P.(C.) 51/2017

SWARAN KANTA & ORS

..... Petitioners

Through: Mr.K.S.Sharma, Advocate.

versus

GULSHAN KUMAR & ORS

..... Respondents

Through: Mr.Shivam Garg, Advocate for R-1
and R-2.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

17.05.2017

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1. By filing the present petition, the petitioners are praying for transfer of Probate Case No.365/2005 titled as '*Gulshan Kumar & Ors. vs. Roshan Lal & Ors.*' pending in the Court of Mr.Naresh Kumar Malhotra, Addl. District Judge, Tis Hazari Court, Delhi to the Court having jurisdiction in South-East District, Saket Court, Delhi.

2. The transfer of above noted case from Tis Hazari Court to Saket Court is sought on the ground that property in question is situated in South-East District, hence the Court of Addl. District Judge in South-East District has the territorial jurisdiction to try and entertain the case.

3. The Probate Case no.365/2005 was filed by the respondents in the year 2005 prior to the division of Delhi into nine Civil Districts in the year 2008.

4. Para no.6 of Notification no.3089/DHC/Gaz./VI.E.2(a)2008 dated
TR.P.(C.) 51/2017

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).**”*

5. In view of above, no ground is made out to transfer the Probate Case No.365/2005 titled as ‘Gulshan Kumar & Ors. vs. Roshan Lal & Ors.’ pending in the Court of Mr.Naresh Kumar Malhotra, Addl. District Judge, Tis Hazari Court, Delhi to the Court of Addl. District Judge in South-East District, Saket Court, Delhi.

6. The transfer petition is dismissed.

PRATIBHA RANI, J.

MAY 17, 2017

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