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IN THE HIGH COURT OF DELHI AT NEW DELHI

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TR.P.(C.) 64/2016

VIMLA CHAUDHARY & ORS

..... Petitioners

Through: Mr. Shankar Dutt & Mr. Himanshu Dutt,
Adv.

Versus

GOPAL KRISHAN & ORS

..... Respondents

Through: Mr. H.N. Mehto, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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01.09.2017

1. Transfer is sought of Civil Suit No.84/2016 titled "Vimla Chaudhary Vs. Gopal Krishan & Ors." pending in the Court of Sh. Harish Kumar, Additional District Judge-1 (ADJ), Central to the Court of Sh. Sandeep Gupta, Civil Judge, West District, Delhi where Civil Suit No.66/2013 titled "Vimla Chaudhary Vs. Gopal Krishan & Ors." is pending.
2. As per the transfer petition itself, the suit pending in the Central District is for partition; preliminary decree has already been passed therein and the suit pending in the West District is for mandatory injunction.
3. Neither counsel is able to inform as to what is the mandatory injunction claimed. Moreover, once the preliminary decree for partition has been passed, the need for transferring that suit is not felt. Moreover, the suit is sought to be transferred from the Court of ADJ to the Court of Civil Judge and which is not possible in law.
4. The petition is misconceived as dismissed.
No costs.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 01, 2017

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