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

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Judgment delivered on: 26.07.2017

+ TR.P.(C) 27/2016

NITIN MEHTA

..... Petitioner

versus

SURESH MEHTA & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner

: Mr Ritik Malik, Advocate.

For the Respondents

: Mr. Gaurav Puri, Advocate

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

26.07.2017

SANJEEV SACHDEVA, J. (ORAL)

1. This petition has been filed seeking transfer of CS No.10357/2016 titled *Sh. Nitin Mehta vs. Sh. Suresh Mehta & Anr.*, pending before the Court of Sh. Pooran Chand, ADJ, (South East), Saket Courts.

2. The subject Suit, of which transfer is sought, is a suit for possession and permanent injunction in respect of the property bearing No.B-97, Defence Colony, New Delhi. The plaintiff in the suit i.e. Sh. Nitin Mehta has sought possession and permanent injunction on the ground that he has a gift deed of the subject property

from his grandfather i.e. Late Col. J.B. Mehta.

3. Transfer is further sought on the ground that the issues arising for consideration in the said suit would be overlapping and common to some of the issues arising in the suit being CS(OS) 425/2012, pending before this Court, which is a suit for partition, filed by Mr. Suresh Mehta seeking partition of the estate of Col. J.B. Mehta, which, *inter alia*, includes the suit property.

4. Learned counsel appearing for the respondent No.1 and respondent No.2 have no objection to the petition being allowed.

5. Accordingly, the petition is allowed.

6. The suit bearing number CS No.10357/2016 titled ***Sh. Nitin Mehta vs. Sh. Suresh Mehta & Anr.***, pending before the Court of Sh. Pooran Chand, ADJ, (South East), Saket Courts, is transferred to this Court to be listed along with CS(OS) 425/2012.

7. The petition is, accordingly, disposed of.

SANJEEV SACHDEVA, J

JULY 26, 2017
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