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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ TR.P.(C.) 63/2017 & CM No.26798/2017 (under Order XXII Rule 3 of the CPC).

SURENDERA VERMA Petitioner

Through: Mr. Arvind Bhatt and Mr. Bharat
Garg, Advs.

versus

P S VERMA & ORS Respondents

Through: Mr. M. Nayar, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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27.10.2017

1. Transfer, under Section 24 of the Code of Civil Procedure, 1908 (CPC), is sought of CS DJ No.12820/2016 titled ***Surender Verma Vs. Uma Verma & Ors.*** of the Court of Ms. Savita Rao, Additional District Judge-01 (West), Tis Hazari Courts, Delhi to this Court to be taken up along with Test. Cas. No.33/2009.

2. In the alternative, transfer of the Test Cas. No.33/2009 titled ***Uma Devi & Ors. Vs. State*** is sought to the Court of Ms. Savita Rao, Additional District Judge-01 (West), Tis Hazari Courts, Delhi.

3. Notice of the petition was ordered to be issued and the counsel for all the respondents appears.

4. The counsel for the respondents, on enquiry, states that the Test. Cas. No.33/2009 cannot be transferred to the Court of Additional District Judge-01 (West), Tis Hazari Courts, Delhi since it is seeking letters of administration to the estate of the deceased with copy of the Will annexed and the Will, besides with respect to a property situated at Delhi and subject

matter of the suit for partition, is also with respect to other properties which are situated outside Delhi.

5. Else, the counsel for the respondents has no objection to the transfer. It is however stated that in the partition suit before the Additional District Judge, recording of evidence of two witnesses is scheduled on 31st October, 2017 and the transfer be made effective after the recording of evidence of the said two witnesses namely Lt. Col. Pankaj Verma and Ms. Uma Verma is completed.

5. The petition is accordingly allowed.

6. CS DJ No.12820/2016 titled ***Surender Verma Vs. Uma Verma & Ors.*** of the Court of Ms. Savita Rao, Additional District Judge-01 (West), Tis Hazari Courts, Delhi is ordered to be transferred to this Court to be taken up by the same Bench where Test Cas. No.33/2009 titled ***Uma Devi & Ors. Vs. State*** is pending consideration.

7. This order of transfer is however made effective after recording of evidence of aforesaid two witnesses is completed by the learned Additional District Judge.

8. It is also informed that the suit is now pending in the Court of Ms. Vandana Chauhan, Additional District Judge-01 (West), Tis Hazari Courts, Delhi.

9. The Transferor Court is requested to, immediately after completion of recording of evidence of the aforesaid two witnesses, physically transfer the suit file to this Court after fixing a date for appearance of the parties before this Court and on which date, the transferred suit be listed before the same

Bench where Test Cas. No.33/2009 is pending consideration.

10. The petition is disposed of.

No costs.

RAJIV SAHAI ENDLAW, J

OCTOBER 27, 2017

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