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

+ TR.P.(C.) 61/2017

MUNSHI KAMARUDDIN (SINCE DECEASED)

NOW REPRESENTED BY HIS LR

..... Petitioner

Through: Mr.D.P.Vohra, Advocate

versus

SUDHAR SAMITI (REGD) & ORS

..... Respondents

Through: Mr.Subhash Chand & Mr.Rakesh
Kaushik, Advocates for R-1

Mr.Mayank Bamniyal, Advocate for
DDA/R-2

Mr.Jagdish Sagar, Advocate for
EDMC/R-3

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **15.05.2017**

1. The present transfer petition has been filed by the petitioner with the prayer that the two cases i.e. RCA No.7/2016 titled as '*Munshi Kamaruddin Vs. Sudhar Samiti (Regd.) & others*' and RCA No.187/2016 titled as '*Munshi Kamaruddin Vs. DDA & Another*' pending in the Court of Sh.Talwant Singh, District Judge, East District, Karkardooma Courts, Delhi may be transferred to the Court of District Judge, Shahdara District, Karkardooma Courts, Delhi.

2. Notice of the petition was issued to the respondents and except respondent No.4 all the respondents have been served.

TR.P.(C.) 61/2017

Page 1 of 3

3. Learned counsel for the petitioner submits that the aforementioned two appeals pending between the parties are connected and property involved in both the appeals is situated in the newly created Shahdara District, hence both the appeals may be ordered to be transferred to the Court of District Judge, Shahdara District, Karkardooma Courts, Delhi.

4. Learned counsel appearing on behalf of respondents No.1 to 3 submitted that since the subject matter of the appeal falls within the jurisdiction of Shahdara District, they have no objection if the prayer of the petitioner to transfer the appeal pending in the Court of learned District Judge, East District, Karkardooma Court, Delhi to Shahdara District is allowed.

5. In view of the submissions made by learned counsel for the respondents Nos.1 to 3 and the admitted position that the subject matter falls within the jurisdiction of Shahdara District, RCA No.7/2016 titled as '*Munshi Kamaruddin Vs. Sudhar Samiti (Regd.) & others*' and RCA No.187/2016 titled as '*Munshi Kamaruddin Vs. DDA & Another*' are withdrawn from the Court of learned District Judge, East District, Karkardooma Court, Delhi and assigned/transferred to the Court of learned District Judge, Shahdara District, Karkardooma Court, Delhi with direction to try the appeal himself/herself or assign the same to the Court having jurisdiction to try and decide the appeal.

6. It is submitted that next date of hearing in RCA No.7/2016 pending before the Court of learned District Judge, East District, Karkardooma Court, Delhi is 29th July, 2017.

7. Since case bearing RCA No.187/2016 pending in the Court of learned District Judge, East District, Karkardooma Court, Delhi is stated to be listed

on 23rd December, 2017, learned counsel for the parties submit that they shall either move a joint application or the application shall be filed by the petitioner with no-objection from the respondent for preponement of the date of hearing so that the matter can be transferred to the Court of learned District Judge, Shahdara District, Karkardooma Court, Delhi at the earliest.

8. Parties are directed to appear before the Court of learned District Judge, Shahdara District, Karkardooma Court, Delhi on 29th July, 2017.

9. Case file of RCA No.7/2016 titled as '*Munshi Kamaruddin Vs. Sudhar Samiti (Regd.) & others*' and RCA No.187/2016 titled as '*Munshi Kamaruddin Vs. DDA & Another*' be sent to the Court of learned District Judge, Shahdara District before 29th July, 2017.

10. The transfer petition is allowed.

11. A copy of this order be sent to the Courts concerned for information and compliance and be also given dasti to the parties, as prayed.

PRATIBHA RANI, J.

MAY 15, 2017

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