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

+ **TR.P.(C.) 96/2017, CM No.22842/2017 (for stay)**

NOOR JAHAN

..... Petitioner

Through: Mr. Brahm Kumar Pandey, proxy
counsel along with the petitioner

versus

ZIA SULTANA & ORS

..... Respondents

Through: Mr. Jaikriti S. Jadeja, Adv. for R2&3
ASI Jatan Swaroop, PS Krishna Nagar, Delhi

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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20.11.2017

1. Transfer, invoking Section 24 of the CPC, is sought of Civil Suit No.8164/2016 titled 'Zia Sultana vs. Noor Jahan and Ors.' of the Court of Ms.Geetanjali, Civil Judge, District North East, Karkardooma Courts, Delhi to the Court of Sh. Devender Kumar Garg, Additional Senior Civil Judge, District Shahdara, Karkardooma Courts, Delhi where Civil Suit No.10421/2016 titled 'Noor Jahan vs. Zia Sultana and Ors.' is stated to be pending.
2. Notice of the petition was ordered to be issued to the respondents and is reported to be served on the respondents No.1 to 4; though the notice to the respondent No.5 is unserved and the counsel for the respondents refused to accept the notice stating that the parties were not in touch with him.
3. None appears for the respondents 1 & 4.
4. The counsel for the respondents No.2 and 3 East Delhi Municipal Corporation (EDMC) appears and has no instructions.

5. Since the private parties in both the Suits aforesaid appear to be the same, it is deemed appropriate to allow the petition.
6. The petition is allowed. Suit No. 8164/2016 aforesaid pending in the Court of Ms.Geetanjali, Civil Judge, District North East, Karkardooma Courts, Delhi is ordered to be transferred to the Court of Sh. Devender Kumar Garg, Additional Senior Civil Judge, District Shahdara, Karkardooma Courts, Delhi.
7. The Transferor Court is requested to forthwith physically transfer the file.
8. The parties to appear in the transferred suit before the Transferee Court on 23rd January, 2018.

RAJIV SAHAI ENDLAW, J

NOVEMBER 20, 2017
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