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

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TR.P.(C) 34/2016

SHRI KANWAR LAL &amp; ORS ..... Petitioners

Through Mr. H.G.R. Khattar, Advocate

versus

SHRI ANAND

..... Respondent

Through Ms. Ruchira V. Arora, Advocate

**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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**10.08.2017**

Present transfer petition has been filed under Section 24 CPC seeking transfer of Civil Suit No. 3052/2015 titled as “Shri Anand Vs. Shri Kanwar Lal & Ors.” pending in the Court of Mr. Virender Bhatt, Additional District Judge or his Successor, District Court, Dwarka.

Learned counsel for the respondent, Ms. Ruchira V. Arora prays for a discharge. She has handed over a receipt of the files as well as a discharge certificate issued by the respondent on 8<sup>th</sup> August, 2017, which is taken on record. The discharge certificate reads as under:-

*“I, Anand son of Shri Balbir Singh have received my two complete files pertaining to CS(OS) No. 85/2016 “Shri Kanwar Lal and Others Vs. Shri Anand”, both pending before the Hon’ble High Court of Delhi. I have also noted down the next date in the suit, which is 26.10.2017 and in the Transfer Petition which is on 10.08.2017. I have given discharge to*

*Shri Rajesh Yadav & Associates, Advocates, who are no more required to appear in the said cases. I shall make alternative arrangement and engage other advocates.*

*Sd/- 08/08/2017  
8510084666  
(Anand)  
S/o Shri Balbir Singh”*

In view thereof, Shri Rajesh Yadav & Associates, Advocates is discharged.

Since the respondent is aware of today's date of hearing, this Court has no other option but to proceed further with the matter.

Learned counsel for the petitioner states that while the petitioner's suit for specific performance bearing CS (OS) No. 85/2016 is pending before this Court, the respondent has filed a suit for declaration and recovery with regard to the same transaction which is stated to be pending before learned Additional District & Judge, District Court, Dwarka.

Keeping in view the fact that the matter in issue is identical and the parties are the same, the present transfer petition is allowed and the Civil Suit No. 3052/2015 titled as “Shri Anand Vs. Shri Kanwar Lal & Ors.” pending in the Court of Mr. Virender Bhatt, Additional District Judge or his Successor, District Court, Dwarka is directed to be transferred to this Court.

With the aforesaid directions, present transfer petition stands allowed.

**MANMOHAN, J**

**AUGUST 10, 2017**

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