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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) 33/2016

SURESH MEHTA

..... Petitioner

versus

NITIN MEHTA & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner

: Mr. Gaurav Puri, Advocate.

For the Respondents

: Mr. Ritik Malik, 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(OS) No.42243/2016 titled *Mr. Suresh Mehta vs. Mr. Nitin Mehta & Ors.*, pending before the Court of Sh. Harjyot Singh Bhalla, Administrative Civil Judge cum Administrative Rent Controller, Saket Court, New Delhi.

2. The subject Suit has been filed by Sh. Surest Mehta, who is also plaintiff in CS(OS) No.425/2012. The suit, of which transfer is sought, seeks a declaration that Will dated 08.04.2011, propounded by

the defendants in CS(OS) 425/2012, is an invalid Will and not the last Will of 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 respondents submits that they have no objection to the petition being allowed.

5. Accordingly, the petition is allowed.

6. The suit bearing No. CS(OS) No.42243/2016 titled ***Mr. Suresh Mehta vs. Mr. Nitin Mehta & Ors.***, pending before the Court of Sh. Harjyot Singh Bhalla, Administrative Civil Judge cum Administrative Rent Controller, Saket Court, New Delhi, 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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