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

+ TR.P.(C.) 122/2016 with CM Nos.39289/16 & 43182/16

SANJEEV KUMAR JAINPetitioner

Through: Mr.Ratnesh Bansal, Advocate.

versus

JAY SHREE DUDEJARespondent

Through: Mr.Rakesh Kumar Sharma, Advocate.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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05.05.2017

1. This petition has been filed by the petitioner under Section 24 CPC read with Section 151 CPC seeking transfer of the Civil Suit No.46/2016 titled as *Sanjeev Kumar Jain vs. Jay Shree Dudeja* pending in the Court of Sh.G.N.Pandey, ADJ, District North East, Karkardooma Court, Delhi to the competent Court having jurisdiction to try the case.

2. Perusal of the record shows that on enhancement of the pecuniary jurisdiction of the District Courts, this suit was transferred to District & Sessions Judge (North East), Karkardooma Court Complex, New Delhi.

3. It is admitted case of the parties that the case is at the final stage and listed for final arguments. The proceedings of the order dated 4th November, 2016 reads as under:

"CM No.40984/2016

The learned counsel for the petitioner submits that till 2012 the property which is subject matter of the present suit was part of the North East District, however, now it falls under the jurisdiction of District Shahdara, Delhi and appropriate Court dealing with matters of Shahdara District would be the appropriate Court to hear the matter. He further submits that the trial Court has given final opportunity for final arguments and fixed the matter for final argument on 04.11.2016 and in

case any interim order is not granted in favour of the petitioner, the present petition would become infructuous.

In view of the above, there shall be a stay of the further proceedings before the trial Court.

The application stands disposed of.

A copy of this order be given dasti under the signature of the Court master to the petitioner.”

4. The contention on behalf of the petitioner is that he apprehend that at a later stage the respondent may not raise objection that the learned Trial Court at District North East, Karkardooma Courts, Delhi had no jurisdiction to try the suit.
5. Learned counsel for the respondent, Dr.Sarabjit Sharma & Mr.Rakesh Kumar Sharma submit that no such objection shall be raised.
6. Mr.Rakesh Kumar Sharma, Advocate submitted in writing (hand written) that no such objection questioning the jurisdiction of the learned Trial Court at District North East, Karkardooma Courts, Delhi shall be raised.
7. The objection regarding territorial jurisdiction can be waived. Otherwise also, the matter has been sent to District North East, Karkardooma Courts, Delhi by the order of this Court. Hence no objection can be raised by the respondent questioning the jurisdiction of the learned Trial Court in District North East, Karkardooma Courts, Delhi.
8. The transfer petition is dismissed.

PRATIBHA RANI, J.

MAY 05, 2017
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