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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ TR.P.(C.) 121/2016 & CM No.1505/2017 (for stay)
GULSHAN KUMAR & ORS. Petitioners

Through: Mr. Saurabh Sharma, Adv.

Versus

SATYADEV & ORS. Respondents

Through: Mr. Mukesh Anand, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **12.10.2017**

1. Transfer, in exercise of powers under Section 24 of the CPC, is sought of C.S. No.531/2012 pending in the Court of Ms. Pinki, Additional District Judge, Dwarka Courts, New Delhi to the District Courts, Patiala House Courts, New Delhi on the ground of change in territorial jurisdiction vide Notification dated 11th September, 2012. It is stated that the suit is for declaration and recovery of possession of immovable property and the jurisdiction to entertain suit though at the time of institution of the suit was of Dwarka Courts, New Delhi, is now of Patiala House Courts.
2. Notice of the petition was issued and the counsel for all the respondents appears.
3. Though the counsel for the respondents has no objection but it is found that the notification relied upon is in exercise of powers under Section 8 of the Code of Criminal Procedure, 1973. I have enquired from the counsel for the petitioners, whether there will be change in civil jurisdiction also pursuant thereto.

4. The counsel for the petitioners draws attention to the order dated 9th May, 2013 in CS No.484/2013 of the Court of Civil Judge-I, Dwarka Courts, Delhi on the basis of said notification returning the plaint to be filed in the appropriate district. It is stated that the property subject matter of the suit sought to be transferred is also situated at Naraina as the property subject matter of the said suit.

5. Without going into the legal question, the petition is allowed.

6. The suit bearing CS No.531/2012 is directed to be transferred from the Court of Ms. Pinki, Additional District Judge, Dwarka Courts, New Delhi to the District Judge, Patiala House Courts, New Delhi.

7. The transferor Court to forthwith physically transfer the file of CS No.531/2012 to the transferee Court.

8. The parties to appear before the Additional District Judge / District Judge, Patiala House Courts, New Delhi on 20th November, 2017.

9. The petition is disposed of.

No costs.

RAJIV SAHAI ENDLAW, J

OCTOBER 12, 2017

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