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

+ **TR.P.(C.) 133/2016**

**SUSHMA MINOCHA**

..... Petitioner

Through: Ms. Shivangi Singh, Adv.

Versus

**SURESH MINOCHA**

..... Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

% **13.11.2017**

1. The petitioner, invoking Section 24 of the Code of Civil Procedure, 1908, seeks transfer of a suit which was pending before this Court as CS(OS) No.2815/2014 titled '*Smt. Sushma Minocha Vs. Shri Suresh Minocha*' and which on enhancement in minimum pecuniary jurisdiction of this Court has been transferred and is stated to be now pending in the Court of Sh. Gurvinder Pal Singh, Additional District Judge (ADJ), Saket Courts, New Delhi, to this Court for being tried along with CS(OS) No.1476/2014 of this Court.

2. Notice of the petition was ordered to be issued and though is reported to be served and the counsel for the respondent appeared thereafter but none appears for the respondent today.

3. The respondent is proceeded against *ex-parte*.

4. The counsel for the petitioner has contended that transfer is sought because the case of the respondent in the plaint in CS(OS) No.1476/2014 of this Court is the same as in the written statement of the respondent in the suit pending in the District Court.

5. However, the counsel for the petitioner, on enquiry, as to what is the

nature of the two suits, states that she does not know the same.

6. Copies of the complaints in the two suits filed along with this petition have been perused. On perusal of the complaints, it seems that it is not in the interest of the petitioner to seek transfer, inasmuch as the transfer will delay recovery of possession sought by the petitioner in her suit and which is pending before the ADJ.

7. I have enquired from the counsel for the petitioner, whether not the petitioner, by seeking transfer, is doing what is in the interest of the respondent.

8. The counsel for the petitioner, who does not even know what the suits are for, cannot be expected to reply.

9. Be that as it may, the petition is allowed.

10. It is made clear that transfer of the suit in this Court would not obviate the need, if any, of the petitioner to pay appropriate court fees as due on her suit.

11. The suit titled '*Smt. Sushma Minocha Vs. Shri Suresh Minocha*' of the Court of Sh. Gurvinder Pal Singh, ADJ, Saket Courts, New Delhi is ordered to be transferred to this Court to be tried along with CS(OS) No.1476/2014 of this Court.

12. The Transferor Court to forthwith physically transfer the file.

13. The parties to appear in the transferred suit before this Court on 12<sup>th</sup> February, 2018.

14. The petition is disposed of.

**RAJIV SAHAI ENDLAW, J.**

**NOVEMBER 13, 2017/bs..**

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