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

+ TR.P.(C.) 139/2016

KUK KUM GUPTA

..... Petitioner

Through Mr.Dheeraj Garg, Advocate

versus

KRISHNA ARYA THR HER LEGAL HEIRS & ORS..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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06.03.2017

Respondent No.1(a), (b) and (c) are unserved. However, learned counsel appearing for the petitioner submits that respondent No.1(a), (b) and (c) are *ex parte* before the trial court and that the main contesting respondent, i.e. respondents No.3 and 4, are also being proceeded *ex parte*.

Respondent No.2 is served. None is present on his behalf.

By the present Transfer Petition the petitioner seeks transfer of CS/609470/2016 (Old No.CS/1095/2008) titled Mrs. Kum Kum Gupta vs. Ms.Krishna Arya pending in the Court of Shri Shailendra Malik, ADJ, Tis Hazari Court, Delhi to the court of District Judge, Saket Courts, Delhi. Learned counsel appearing for the petitioner submits that three suits were filed by the plaintiff/petitioner against the defendants/respondents for specific performance with regard to different portions of the same land. He submits that the respondents are common. It is further submitted that out of the three suits two suits are pending in the Saket Court, Delhi being CS/207961/2016 (Old No.806/2008) titled Mrs.Kum Kum Gupta vs.

Ms.Suman Arya & Ors. is pending in the court of Shri Ajay Pandey,ADJ whereas second suit CS/8679/2016 (old No.807/2008) titled Mrs.Kum Kum Gupta vs. Sandeep Bahl and Others is pending in the court of Dr. Rakesh Kumar, ADJ,Saket Courts, Delhi. He submits that in case the present suit is also transferred to the Saket Courts he would move an appropriate application before the District Judge so that the three suits are heard together.

Keeping in view the above, the present petition is allowed. CS/609470/2016 titled Mrs.Kum Kum Gupta vs. Ms.Krishna Arya shall be transferred to the Court of Shri Ajay Pandey, ADJ to be heard alongwith suit titled being CS/207961/2016 (old No.806/2008) titled Mrs.Kum Kum Gupta vs. Suman Arya and Others.

Parties to appear before the concerned court on 7.4.2017.

Petition and all pending applications stand disposed of.

JAYANT NATH, J

MARCH 06, 2017

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