

\$~17

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

+ TR.P.(C.) 134/2016 & CM APPL. 40978-40979/2016

SHYAM SAHNI

..... Petitioner

Through Mr.Dinesh C.Pandey, Ms.Jyoti
Pandey & Mr.Rajeev Gurung,
Advocates

versus

SARABJIT PRAKASH

(NOW DECEASED THR LRS & ORS)

..... Respondents

Through Mr.Ashim Shridhar, Adv. for R-2
Mr.Sanjay Kr.Singh, Adv. for R-3
Mr.Jayant Tripathi & Mr.Dinesh
Dahiya, Advocates for R-6

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

%

11.04.2017

1. As per office report, some of the respondents are not served.
2. The learned counsel appearing for respondent Nos.2, 3 and 6 respectively submit that they have no objection to the present transfer petition.
3. The present transfer petition is filed under Section 24 of the CPC seeking transfer of civil suit No.239/2016 pending before the court of Sh.Balwant Rai Bansal, ADJ, South East, Saket Court Complex, New Delhi to be heard alongwith CS(OS) No.1134/2008, titled as Shyam Sahni v.

Sarabjit Prakash & Ors., which is pending adjudication before this court and is now fixed for 26.05.2017.

4. The learned counsel for the petitioner had taken me through an order passed in another transfer petition being TR.P.(C) No.12/2014 dated 05.09.2016. In that order this court had noted that the controversy pertains to property No.68, Friends Colony, New Delhi. By the said order, this court had directed that civil suit No.13/2014, titled as Sarabjit Prakash & Anr. v. Shyam Sahni & Ors. be transferred to this court and be heard alongwith CS(OS) No.1134/2008.

5. The learned counsel for the petitioner submits that the suit which is now sought to be transferred also relates to property No.68, Friends Colony, New Delhi. He also relies upon the order dated 05.09.2016 where two suits, namely CS(OS) No.1134/2008 and the suit which is now sought to be transferred was heard together before this court. However, on account of change of pecuniary jurisdiction of this court, the other suit was transferred to the District Court.

6. In view of the above undisputable facts, it is not necessary that the unserved parties be served. As common questions of facts and issues arise in the matter, in the interest of justice the suit in question, namely, civil suit No.239/2016 which is said to be pending in the court of Sh.Balwant Rai Bansal, ADJ, South East, Saket Court Complex, New Delhi (presently in the court of Sh.Sonu Agnihotri, ADJ) titled as Shyam Sahni v. Sarabjit Prakash & Ors., be transferred from the court of Sh.Balwant Rai Bansal, ADJ, South East, Saket Court Complex, New Delhi (presently in the court of Sh.Sonu Agnihotri, ADJ) and heard alongwith CS(OS) No.1134/2008, titled as Shyam Sahni v. Sarabjit Prakash & Ors., which is pending before this court

and is now fixed for 26.05.2017.

7. The parties are directed to appear in the matter before this court on 26.05.2017.

8. The petition and all the pending applications are disposed of.

JAYANT NATH, J.

APRIL 11, 2017/v