

\$~5

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

+ TR.P.(C.) 155/2016

BIPIN GUJRAL & ORS

..... Petitioners

Through: Mr. Samar Bansal and Ms. Shreya Singh, Advs.

Versus

VINOD KUMAR SOOD

..... Respondent

Through: Mr. Vivek Sacathia, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

22.09.2017

%

1. Transfer, in exercise of powers under Section 24 of the Code of Civil Procedure, 1908 (CPC), is sought of Civil Suit No.171/2007 titled ***Bipin Gujral & Ors Vs. Vinod Kumar Sood*** pending in the Court of Sh. Lalit Kumar, Additional District Judge (ADJ)-01 (South-East), Saket Courts, New Delhi to this Court to be tried along with CS(OS) No.1070/2012 of this Court titled ***Vinod Kumar Sood Vs. Bipin Gujral & Ors***.

2. The counsels have been heard.

3. What transpires is (i) that both the suits pertain to the same property; (ii) that the petitioners' suit which is sought to be transferred to this Court was earlier pending in this Court and was sent to the District Court on enhancement of minimum pecuniary jurisdiction of this Court; (iii) that the petitioners' suit was instituted as far back as in the year 1995; (iv) that CS(OS) No.1070/2012 of this Court was filed by the respondent in the year

2012; (v) that the petitioners' suit, sought to be transferred to this Court, is at the stage of petitioners/plaintiffs' evidence; (vi) that in CS(OS) No.1070/2012 no issues even have been framed as yet.

4. The counsel for the respondent has opposed the transfer contending that the petitioners have been flogging their suit since 1995 and the intent in having it transferred to this Court is again to delay its disposal.

5. The National Court Management Systems Committee of the Supreme Court has directed suits more than ten years old to be disposed of by 31st December, 2017.

6. I am of the view that this Court should not, in exercise of jurisdiction under Section 24 of CPC, interfere with the recording of evidence in the petitioners' suit which is sought to be transferred to this Court and in which, evidence is likely to be recorded expeditiously before the ADJ.

7. Even otherwise, while the petitioners' suit is for partition of vacant land in the property and for possession of the portions of the property of which the petitioners claim to be entitled to and for ancillary reliefs, the respondent's suit is *inter alia* for declaration with respect to the sale deeds under which the petitioners/plaintiffs claim title to the property.

8. The counsels, on enquiry, state that the defence of the respondent in the suit of the petitioners is also with respect to the sale deeds; though the counsel for the petitioners states that it is with respect to two only of the four sale deeds and the counsel for the respondent states that it is with respect to all the four sale deeds.

9. Notice can be taken of the fact that the disposal of the suit, once transferred to this Court, is likely to take much longer. The petitioners as plaintiffs ought to be interested in expeditious disposal of their suit.

10. It also appears that a large number of issues which may be arising in the subsequent suit filed by the respondent being CS(OS) No.1070/2012 may also be resolved once evidence is recorded and findings given in petitioners' suit.

11. In the entirety of the aforesaid facts, no case for transfer is made out.

12. The petition is dismissed.

No costs.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 22, 2017

Bs..