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

+ **TR.P.(C.) 170/2016**

MANJU LATA MURARKA Petitioner

Through: Ms. Taneya Mahajan, Adv.

Versus

SATISH Respondent

Through: Mr. Ravinder Narwal, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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27.10.2017

1. Transfer, in exercise of powers under Section 24 of the Code of Civil Procedure, 1908 (CPC) is sought of CS No.329/2015 titled ***Satish Vs. Manju Lata*** pending in the Court of Ms. Sonam Gupta, Civil Judge (North-West), Rohini Courts, Delhi to the Court of Sh. Ajay Goel, Additional District Judge (ADJ) (North), Rohini Courts, Delhi where CS No.72/2016 titled ***Manju Lata Vs. Satish & Ors.*** is pending.
2. Notice of the petition was issued and the respondent has filed a reply and the counsels have been heard.
3. The respondent Satish, in his suit pending before the Court of Civil Judge, Rohini Courts has sought (i) to restrain the petitioner from alienating or encumbering or raising any construction over property No.D-294, Rajiv Nagar, Begumpur, Delhi; and, (ii) for a declaration that the documents of title under which the petitioner is claiming to the owner are null and void.
4. The petitioner in her suit which is pending before the ADJ, Rohini Courts has sought (a) a declaration that the sale deed of the property in

favour of the respondent is null and void and cancellation thereof; and, (b) a restraint against the respondent from dispossessing the petitioner from the property.

5. Though the counsel for the respondent has been asked to inform his objection to the transfer and he has argued but nothing in opposition to the transfer. The only argument is that the suit before the Civil Judge is as per its pecuniary jurisdiction and in terms of Section 15 of the Code of Civil Procedure, 1908 (CPC).

6. The aforesaid ground is no longer *res integra*. It has been held by this Court in ***Shriram Pistons & Rings Ltd. Vs. Manju Awasthy*** 68 (1997) DLT 112 that Section 15 of CPC is not an obstacle to exercise of powers under Section 24 of CPC.

7. Else, it is appropriate that the questions arising for adjudication in both suits pertaining to the same property are decided by one Court.

8. The petition is thus allowed.

9. CS No.329/2015 titled ***Satish Vs. Manju Lata*** pending in the Court of Ms. Sonam Gupta, Civil Judge (North-West), Rohini Courts, Delhi is ordered to be transferred to the Court of Sh. Ajay Goel, ADJ (North), Rohini Courts, Delhi where CS No.72/2016 titled ***Manju Lata Vs. Satish & Ors.*** is pending.

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

11. The parties to appear in the transferred suit before the Transferee Court on 7th December, 2017.

RAJIV SAHAI ENDLAW, J.

OCTOBER 27, 2017/bs..

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