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

+ **TR.P.(C.) 120/2017**

KAMAL NAIN

..... Petitioner

Through: Mr. Pranay Raj Singh, Adv.

Versus

ANIL JAIN & ANR

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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01.08.2017

CM No.27240/2017 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

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3. Transfer is sought of Civil Suit No.DJ 11156/2016 titled Kamal Nain Vs. Anil Jain of the Court of Additional District Judge (ADJ)-02, South East, Saket Courts, New Delhi to the Court of the District Judge (South), Saket Courts, New Delhi stating that the property, for recovery of possession whereof the suit is filed, is situated within the jurisdiction of the District Judge (South), Saket Courts, New Delhi and not within the jurisdiction of the District Judge, South-East, Saket Courts, New Delhi before whom the suit is pending.
4. The petitioner along with the petition has also filed at page 30 copy of the order dated 18th April, 2017 in the suit, where the learned ADJ on his

own observed that the suit property is not situated within the territorial jurisdiction of that Court.

5. The order dated 18th April, 2017 records presence, besides of the counsel for the petitioner / plaintiff, also of the counsel for the defendant No.2 Madhur Bain.

6. The counsel for the petitioner on enquiry states that the defendant no.1 has not been served as yet and has not been proceeded against *ex parte*. It is also stated that an application for impleadment filed by one Amiteshwar is also pending consideration and who on 18th April, 2017 was represented by the same counsel as the counsel for the defendant no.2.

7. In this view of the matter, need to issue notice of the petition is not felt.

8. The petition is allowed.

9. Civil Suit No.DJ 11156/2016 titled Kamal Nain Vs. Anil Jain of the Court of Additional District Judge (ADJ)-02, South East, Saket Courts, New Delhi is directed to be transferred to the Court of the District Judge (South), Saket Courts Complex, New Delhi. A copy of this order be also forwarded to the Additional District Judge-02, South-East, Saket Courts, New Delhi with a request to transfer the suit file to the District Judge (South), Saket Courts, New Delhi.

10. Parties to appear before the Additional District Judge / District Judge (South) on 21st August, 2017.

11. The counsel for the petitioner to inform this order to the counsel for the defendant no.2 and the counsel for Amiteshwar Singh.

RAJIV SAHAI ENDLAW, J

AUGUST 01, 2017/‘gsr’..

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