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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(C.) 139/2017 & CM No.29623/2017 (for stay)**
JOGINDER RAUT Petitioner

Through: Ms. Nimmi Sharma, Adv.

Versus

MAHENDER SINGH & ORS Respondents

Through: Mr. Awadhesh Kumar, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **11.10.2017**

1. This order is in continuation of the earlier order dated 21st August, 2017.
2. All the three respondents have been served.
3. Only the counsel for the respondent no.1 appears.
4. The counsel for the petitioner states that she has received no objection of the respondents no.2&3 to the transfer sought.
5. The counsel for the respondent no.1 opposes the transfer and states that though a reply was prepared but remained to be filed. He has been permitted to, in Court, hand over the reply and the same is taken on record.
6. I have explained to the counsel for the respondent No.1 that the order of transfer of the suit for recovery of possession filed by the respondent no.1 and pending in the Court of Civil Judge, Tis Hazari Courts, Delhi to the Court of Additional District Judge, Dwarka Courts, New Delhi will expedite the disposal of the suit and would also eliminate one round of appeal enabling the respondent no.1 to entitle the respondent No.1/plaintiff to the relief of possession sought at an early date.

7. The counsel for the respondent no.1 however states that his client is not willing to avail of such expeditious disposal of his suit.
8. I have perused the issues framed in the suit.
9. The counsel for the respondent no.1 also states that in the suit for partition pending in the Court of Additional District Judge, Dwarka Courts, New Delhi issues have not been framed as yet.
10. From a perusal thereof, it *prima facie* appears that there is no likelihood of any identical issues arising in the suit for possession and in the suit for partition.
11. In this view of the matter, the transfer petition is dismissed.

RAJIV SAHAI ENDLAW, J

OCTOBER 11, 2017

‘gsr’..