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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(C.) 156/2017 & CM No.34118/2017 (for stay)**
NEERAJ GUPTA Petitioner

Through: Mr. Amit Chaudhary, Adv.

Versus

KALAWATI & ANR Respondents

Through: Mr. Jagdish Sethi, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **01.11.2017**

1. Transfer, invoking Section 24 of the Code of Civil Procedure, 1908 (CPC), is sought of Civil Suit No.255/2008 titled “Smt. Kalawati Vs. Sushil Kumar & Ors.” of the Court of Sh. Amitabh Rawat, Senior Civil Judge (SCJ), District North-East, Karkardooma Courts, Delhi to the Court of Sh. J.P. Nahar, SCJ, District East, Karkardooma Courts, Delhi on the ground of pendency of Civil Suit No.255/2015 between the same parties pertaining to the same properties in the Court of Sh. J.P. Nahar, SCJ, District East, Karkardooma Courts, Delhi.
2. Notice of the petition was ordered to be issued and the counsel for respondent no.1 appears.
3. None appears for the respondent no.2 Arvind Kumar despite service.
4. The respondent no.2 Arvind Kumar is proceeded against *ex parte*.
5. The counsel for the respondent no.1 states that besides the aforesaid two proceedings, Suit No.2453/2016 titled “Smt. Kalawati Vs. Neeraj Gupta” also pertaining to the same property is also pending in the Court of Sh. J.P. Nahar, SCJ, District East, Karkardooma Courts, Delhi. It is yet

further stated that another appeal being RCA DJ 00080/2017 titled “Arvind Kumar Vs. Kalawati” was also pending in the Court of Sh. Rakesh Kumar, Additional District Judge, District East, Karkardooma Courts, Delhi which has however on 19th September, 2017 been disposed of.

6. The counsel for the respondent no.1 states that instead of the suit from the Court of Sh. Amitabh Rawat, SCJ, District North-East, Karkardooma Courts, Delhi being transferred, the two suits pending in the Court of Sh. J.P. Nahar, SCJ, District East, Karkardooma Courts, Delhi be transferred to the Court of Sh. Amitabh Rawat, SCJ, District North-East, Karkardooma Courts, Delhi.

7. The counsel for the petitioner has no objection.

8. The petition is disposed of by directing the two suits aforesaid pending in the Court of Sh. J.P. Nahar, SCJ, District East, Karkardooma Courts, Delhi be transferred to the Court of Sh. Amitabh Rawat, SCJ, District North-East, Karkardooma Courts, Delhi.

9. The Transferor Court to forthwith physically transfer the suit files.

10. The parties to appear in the transferred suits before the Transferee Court of Sh. Amitabh Rawat, SCJ, District North-East, Karkardooma Courts, Delhi on 14th November, 2017 when the suit already pending in the Court of Sh. Amitabh Rawat, SCJ, District North-East, Karkardooma Courts, Delhi is stated to be listed.

9. The petition is disposed of.

RAJIV SAHAI ENDLAW, J

NOVEMBER 01, 2017

‘gsr’..

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