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

+ **TR.P.(C.) 175/2017**

RAJEEV KUAMR

..... Petitioner

Through: Mr. S.S. Shastry & Mr. Sunil Kumar,
Advs.

Versus

VINOD KUMARI GARG

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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08.11.2017

CM No.39943/2017 (for exemption)

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

TR.P.(C.) 175/2017 & CM No.39942/2017 (for stay)

3. Transfer is sought of Civil Suit No.578269/2016 titled “Rajeev Kumar Vs. Vinod Kumari Garg” of the Court of Sh. Manish Gupta, Additional District Judge, District North-West, Rohini Courts, Delhi to this Court for trial along with CS(OS) No.1405/2014 titled “Ajit Singh Vs. Vinod Kumari Garg” of this Court.
4. The counsel for the petitioner has argued that both the suits are for specific performance of Agreement of Sale of the same immovable property and thus it is expedient that they are tried by the same Court.
5. I have enquired from the counsel for the petitioner, Agreement to Sell subject matter of which of the suits is of a prior date.

6. The counsel for the petitioner states that the Agreement to Sell in favour of the petitioner and subject matter of the suit sought to be transferred is of a prior date.

7. I fail to see as to how and why the transfer of the suit is required.

8. The counsel for the petitioner agrees that the suits cannot be clubbed together for recording of evidence as different issues would arise in each of the suits. He however states that it is expedient that the two suits be tried by the same Court. I am unable to agree. It is for the petitioner to in his suit prove the Agreement to Sell, if disputed, and his readiness and willingness and seek enforceability of the Agreement to Sell.

9. If the petitioner succeeds in his suit, which is stated to be at the stage of defendant's evidence, the petitioner thereafter can take appropriate steps with respect to the suit pending in this Court and in which the counsel for the petitioner in any case states that the petitioner has applied for impleadment and which application is pending consideration.

8. No ground for transfer is made out.

Dismissed.

No costs.

NOVEMBER 08, 2017

Gsr..

RAJIV SAHAI ENDLAW, J