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

+ **TR.P.(C.) 180/2017**

SUDESH KUMARI & ANR.

..... Petitioners

Through: None.

Versus

STATE & ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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15.11.2017

1. This Transfer Petition under Section 24 of the Code of Civil Procedure, 1908, though filed before the District Judge (South-East), Saket Courts, New Delhi, has been referred by Sh. Girish Kathpalia, District & Sessions Judge (South-East), Saket Courts, New Delhi, vide order dated 27th September, 2017 in the Transfer Petition, to this Court, for the reason of counsel for the petitioner being related to him.

2. None appears.

3. Transfer is sought of CS/11010/2016 titled "Sudesh Kumari & Ors Vs. State" of the Court of Ms. Sunena Sharma, Additional District Judge (ADJ)-03 (South-East), Saket Courts, New Delhi to the Court of Sh. Lalit Kumar, ADJ-01, (South-East), Saket Courts, New Delhi, where CS/9415/2016 titled "Pradeep Kumar Attrey Vs. Dr. Raman Kumar Attrey" and CS/11011/2016 titled "Dr. Raman Kumar Attrey Vs. Pradeep Kumar Attrey" are stated to be pending.

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4. It is stated in the Transfer Petition that all the three suits aforesaid were earlier pending before the Court of Sh. Anil Antil, ADJ, (South-East), Saket Courts, New Delhi and were being listed and heard together; upon the Court of Sh. Anil Antil, ADJ being designated as a special court for IPR matters, during the distribution of other suits pending before him, the suit aforesaid was transferred to a different Court from the one where.
5. A perusal of the order sheet of the file of the Transfer Petition received in this Court shows that notice of the Transfer Petition was ordered to be issued to the respondents and the counsel for the respondents had appeared before the District Judge on 16th May, 2017.
6. No reply is found to have been filed to the Transfer Petition.
7. It is not deemed appropriate to issue notice of this Transfer Petition to the parties/their advocates because the same would entail delay and which would result in delaying the proceeding in the suits, which it can safely be assumed must be being adjourned owing to the pendency of the Transfer Petition.
8. For the reasons stated, the Transfer Petition is allowed. CS/11010/2016 titled “Sudesh Kumari & Ors Vs. State” of the Court of Ms. Sunena Sharma, ADJ-03 (South-East), Saket Courts, New Delhi is ordered to be transferred to the Court of Sh. Lalit Kumar, ADJ-01 (South-East), Saket Courts, New Delhi, where two other suits, as aforesaid, are pending.
9. The Transferor Court to forthwith physically transfer the file of the suit ordered to be transferred, to the Transferee Court.

10. The transferred suit be listed before the Court of Sh. Lalit Kumar, ADJ-01 (South-East), Saket Courts, New Delhi, either on the date when the two suits aforesaid already pending before that Court are listed or latest by 7th December, 2017.

11. The Transfer Petition is disposed of.

12. Since this order is being made without hearing the parties, either party shall be at liberty to apply for variation/modification.

13. The file received from the Court of the District Judge (South-East), Saket Courts, New Delhi be forthwith returned along with this order.

RAJIV SAHAI ENDLAW, J.

NOVEMBER 15, 2017

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