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

+ **TR.P.(C.) 187/2017**

ALKA KHANNA

..... Petitioner

Through: Mr. Satyender Chauhan, Adv.

versus

SANJAY KUMAR & ANR

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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20.11.2017

CM No.41890/2017 and CM No.41891/2017 (both for exemption).

1. Allowed, subject to just exceptions.
2. The applications stand disposed of.

TR.P.(C.) 187/2017.

3. Transfer, invoking Section 24 of the Code of Civil Procedure, 1908 (CPC), is sought of Probate Case no.5867/2016 titled *Sanjay Kumar Vs. State* of the Court of Additional District Judge, Saket Courts, New Delhi to this Court, to be tried along with CS(OS) No.199/2017 titled *Samir Dev & Anr. Vs. Sanjay Kumar & Anr.* of this Court.

4. The only reason given in the petition is that the cause of action for both proceedings is the same and the parties are the same and the documents relied upon are the same. On enquiry, it is stated that the Probate Case was filed first.

5. Ordinarily, the Probate Case has primacy on the question of Will. Neither does the petition disclose any ground for transfer nor is the counsel for the petitioner in his arguments able to make out any ground for transfer.

Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

NOVEMBER 20, 2017

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