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

+ TR.P.(C.) 84/2015

RAM KUMAR

..... Petitioner

Through: Mr.Pankaj Vivek and Mr.Atul
Tripathi, Advocates.

versus

MAHEDER SINGH & ORS

..... Respondents

Through: Ms.Suman Chaudhary, Advocate for
R-2.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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01.05.2017

TR.P.(C.) 84/2015

1. The present transfer petition has been filed by the petitioner with the prayer that the two cases i.e. Civil Suit No.762/2009 titled as '*Jai Dayal & Ors. vs. Brahm Chand & Ors.*' pending in the Court of Mr.Sanatan Prasad, Civil Judge, West District, Tis Hazari Court, Delhi and Civil Suit No.39/2013 titled as '*Brahm Chand vs. Mahender Singh & Ors.*' pending in the Court of Sh.Davinder Nain, Civil Judge, South-West District, Dwarka Court, Delhi, between the parties herein which are pending in two different Courts in different Districts may be ordered to be heard and decided by the same Court.

2. Notice of the petition was issued to the respondents.

3. Respondent no.2 has been represented by Ms.Suman Chaudhary,

Advocate. None has appeared on behalf of respondents No.1, 3, 6, 7, 9 and 11 to 17 despite service. As per the office report, respondents No.4, 8 and 10 have refused to accept the notice. Since respondent No.5 was reported to be not available at the given address, he was served through publication but none has appeared on his behalf despite service through publication.

4. Learned counsel for the petitioner submits that the aforementioned two civil suits pending between the parties are connected and property involve in both the suits are same, hence both the suits may be ordered to be clubbed or may be ordered to be heard and decided by the same Court.

5. Learned counsel appearing on behalf of respondent No.2 submits that respondent has no objection if Civil Suit No.39/2013 titled as '*Brahm Chand vs. Mahender Singh & Ors.*' pending in the Court of Sh.Davinder Nain, Civil Judge, South-West District, Dwarka Court, Delhi is transferred to the Court of Mr.Sanatan Prasad, Civil Judge, West District, Tis Hazari Court, Delhi where Civil Suit No.762/2009 titled as '*Jai Dayal & Ors. vs. Brahm Chand & Ors.*' is pending.

6. In view of the submissions made by learned counsel for the petitioner and no-objection given by learned counsel for the respondent No.2, Civil Suit No.39/2013 titled as '*Brahm Chand vs. Mahender Singh & Ors.*' is withdrawn from the Court of Sh.Davinder Nain, Civil Judge, South-West District, Dwarka Court, Delhi and is assigned/transferred to the Court of Mr.Sanatan Prasad, Civil Judge, West District, Tis Hazari Court, Delhi where Civil Suit No.762/2009 titled as '*Jai Dayal & Ors. vs. Brahm Chand & Ors.*' is pending, for disposal in accordance with law.

7. Case file of Civil Suit No.39/2013 titled as '*Brahm Chand vs. Mahender Singh & Ors.*' be sent to the transferee Court for 10th July, 2017.

Parties are also directed to appear before the transferee Court on 10th July, 2017.

8. The petition stands disposed of in above terms.

9. Copy of the order be given dasti to learned counsel for the parties.

10. A copy of this order be also sent to the Courts concerned through concerned District & Sessions Judge.

CM No.26365/2015

Dismissed as infructuous.

PRATIBHA RANI, J.

MAY 01, 2017

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