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IN THE HIGH COURT OF DELHI AT NEW DELHI

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TR.P.(C.) 17/2018

DEEPAK JAIN

..... Petitioner

Through: Mr. Sachin Aggarwal, Advocate with
petitioner in person.

versus

AMIT JAIN & ORS

..... Respondents

Through: Ms. Nandni Sahni, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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08.03.2018

1. There are three suits involving the parties to the transfer petition, first of which (Suit no.351/2014 - new no. CS/SCJ/593990/2016, titled as Deepak Jain v. Amit Jain) was filed by the petitioner herein against the first respondent herein; the second of which (Suit no.69/2015 – new no. CS/SCJ/599082/2016, titled as Amit Jain v. Deepak Jain) was filed by the first respondent herein against the petitioner herein; and the third suit CS(OS) no.240/2016 instituted by the first respondent against the petitioner and other respondents.

2. While the first two above-mentioned suits were instituted by the petitioner on one hand and the first respondent on the other hand against each other seeking reliefs in the nature of permanent injunction qua the possession and enjoyment of certain portions of the

shop which is the subject matter of dispute, the third said suit is for partition, declaration and injunction – prohibitory and mandatory – qua the entire estate in which the parties claim to have interest. The first two suits are pending before the court of Ms. Harshita Vatsayan, Civil Judge, Central District, Tis Hazari Courts, while the third suit is pending on the original side of this Court.

2. Though, the prayer in the application was for transfer of the two injunction suits from the district court to this court for they to be tagged and tried jointly with the matter pending here, after some hearing, learned counsel on both sides jointly submitted, on instructions, that the proceedings in the two injunction suits pending before the civil judge of central district at Tis Hazari, as aforesaid, may be stayed *sine die* and the *ad interim* orders respecting the right of possession and enjoyment be made absolute, such proceedings to be revived on the motion of either side after decision is rendered in the partition suit, this without prejudice to the rights and contentions of either side. Ordered accordingly.

3. The petition stands disposed of in above terms.

4. A copy of this order shall be sent to the concerned civil judge for information and necessary compliance.

5. *Dasti* under the signatures of Court Master to both sides.

R.K.GAUBA, J

MARCH 08, 2018

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