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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(C.) 50/2018 & CM No.12388/2018**

HAWA SINGH & ORS Petitioners
Through: Mr. R.S. Lathwal, Advocate.

versus

AMIT BANSAL & ANR Respondents
Through

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **04.04.2018**

There were two suits filed between the parties, one (Suit No.5/2008) instituted on 02.01.2008 by the second respondent in which the petitioners were the defendants for the relief of permanent injunction, it having been presented before and decided by the court of Senior Civil Judge (West) by judgment dated 21.11.2013 and the other (Suit No.17/2012) instituted on 28.02.2008 by the petitioners herein against the respondents, again in the court of Senior Civil Judge (West) and decided by the said court by judgment dated 21.11.2013. Both the suits decided by the same court were dismissed and appeals have been filed by the respective plaintiffs against such judgments, the appeal against judgment in the suit of the petitioners having been presented before the District Judge for North District at Rohini courts complex. The other appeal presented by the respondents

has instead been presented before the District Judge (West) and is stated to be now pending in the court of Additional District Judge (West) at Tis Hazari Courts Complex. The prayer in the application is for both the appeals to be brought before the same Court.

Given the above backdrop, it is essential that the petitioners must first explain as to why the appeal against the judgment of Senior Civil Judge (West) was presented before the District Judge (North). The petitioner may submit an explanatory affidavit.

At this stage, the counsel for the petitioner submitted that he may be permitted to withdraw the present petition and instead be given liberty to withdraw the appeal from the Court of District Judge (North) at Rohini Courts Complex and present it before the District Judge for West District at Tis Hazari Courts Complex.

The petition for transfer and the application filed therewith stand dismissed as withdrawn with liberty as prayed for granted.

R.K.GAUBA, J

APRIL 04, 2018

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