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

+ **RFA 451/2012**

RAJINDER KUMAR

..... Appellant

Through: Mr. Mayank Yadav, Advocate
(Mobile No. 9811891144).

versus

KASTURI DECD THR LRS & ORS

..... Respondents

Through: Mr. Rajesh Yadav and Ms. Ruchira,
Advocates (Mobile No. 9810322797).

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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16.11.2018

1. After arguments this appeal is disposed of with the consent order that the impugned judgment of the Trial Court dated 30.7.2012 is set aside, however, the setting aside of the impugned judgment is in no manner indication of decision of the issue which is decided in terms of the impugned judgment, inasmuch as, this issue will be decided at the stage of final arguments after the parties have led evidence, and in accordance with law.

2. Counsel for the parties at this stage state that though the impugned judgment which decides the suit was passed by the court of the Additional District Judge, Central District-1, Tis Hazari Courts, Delhi, since the suit property is situated within the territorial

jurisdiction of the District Judge, South-West District, Dwarka Courts, New Delhi, therefore I exercise my powers under Section 24 CPC and the suit will now be heard by the competent court within the jurisdiction of the District Judge, South-West District, Dwarka Courts, New Delhi.

3. It is made clear that in case any of the defendants have expired during the pendency of this appeal then the appellant will take forthwith steps in accordance with law on the matter being marked to the concerned competent court.

4. Parties to appear before the District and Sessions Judge, South-West District, Dwarka Courts, New Delhi on 19th December, 2018 and the District and Sessions Judge will now mark the suit for disposal to a competent court and in terms of the observations made in the present order.

VALMIKI J. MEHTA, J

NOVEMBER 16, 2018

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