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

+ **TR.P.(C) 37/2016 & IA No.14733/2016 (u/O XXXIX R-1&2 CPC)**

**BARATI DECHASAKPHAN**

..... Petitioner

Through: Mr. Anant Garg and Mr. Nimanniyu  
Sharma, Advs.

Versus

**ANIL MANGAL & ORS**

..... Respondents

Through: Mr. Varun Chandiok, Adv. for R-1.  
Mr. Ishaan Verma, Adv. for D-2/SBI.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

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**09.03.2018**

1. Transfer, in exercise of powers under Section 24 of the Code of Civil Procedure, 1908, is sought of Suit No.207039/2016 of the Court of Ms. Neelofer Abida Perveen, Additional District Judge-03, District Court Saket, New Delhi to this Court for trial along with CS(OS) No.707/2011 of this Court.

2. On enquiry, the counsel for the petitioner states (i) that CS(OS) No.707/2011 of this Court is for partition of several immovable properties; (ii) that the respondent No.1 herein Anil Mangal had instituted the suit, of which transfer is sought, for ejectment of the respondent No.2 State Bank of India (SBI) from the portion in its tenancy in one of the said properties; (iii) that the respondent No.2 SBI has since vacated that portion and deposited the *TR.P.(C) 37/2016*

key of the premises earlier in its tenancy in the Court in the suit of which transfer is sought; (iv) that since the partition suit with respect to the said properties is pending in this Court, transfer is sought of the aforesaid suit filed by the respondent No.1 Anil Mangal against the respondent No.2 SBI, to this Court, so that appropriate orders with respect to the portion which was earlier in occupation of respondent No.2 SBI can be made.

3. I have enquired, as to what survives in the suit, of which transfer is sought, if the premises have been vacated by the respondent No.2 SBI.

4. It is stated that the said suit is pending only to pass appropriate orders as to whom the key deposited by the respondent No.2 SBI in that Court is to be delivered and to whom the arrears of rent also deposited in that Court are to be released.

5. Once the suit of which transfer is sought otherwise stands disposed of, this Transfer Petition is totally misconceived and is dismissed with liberty to the parties to apply to this Court in CS(OS) No.707/2011 for appropriate orders with respect to the portion earlier in occupation of the respondent No.2 SBI and the rent/*mesne* profits lying deposited in the suit, of which transfer was sought.

6. The learned ADJ before whom the suit of which transfer was sought is stated to be pending is also requested to dispose of that suit in terms of this order.

A copy of this order be given *dasti* under the signatures of the Court Master.

**RAJIV SAHAI ENDLAW, J.**

**MARCH 09, 2018/bs..**  
*TR.P.(C) 37/2016*