

\$~28

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

%

Date of Order: 12.12.2018

+

Tr.P.(C.) No.191/2018

HARBIR SINGH & ANR

..... Petitioners

Through: Mr. Pradeep Kumar Arya & Mr. Anshul
Malik, Advocates.

Versus

M/S DURGA WHEELS (INDIA) & ORS

....Respondents

Through: Mr. Puru Mudgal, proxy counsel for
Mr. G.K. Kaushik, Advocate.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

1. By this transfer petition, the petitioners seek transfer of Execution Petition No.65/2011 titled as *Harbir Singh & Anr. Vs. M/s. Durga Wheels (India) & Ors.* from the court of Sh. Vijay Shankar, learned Additional District Judge-07 ('ADJ'), Central District, Tis Hazari Courts, Delhi, to any court of competent jurisdiction in West District for disposal in accordance with law.

2. Though Mr. G.K. Kaushik, the learned counsel for the respondents had put in appearance on the last date of hearing but no reply has been sought to be filed. Today he is not available. Mr. Puru Mudgal appears as proxy counsel for him.

3. The Civil Suit bearing No.111/2004 titled as *Harbir Singh & Anr. Vs. M/s. Durga Wheels (India) & Ors.* for ejectment/possession and recovery of arrears of rent and mesne profits/damages was decreed by the court of Sh. Padam Kant Saxena, learned ADJ, Delhi on 21.04.2006 in favour of the petitioners. The tenanted property forms part of Khasra No.487, Village Piragarhi, New Delhi-110041.

4. It is contended by learned counsel for the petitioners that this property now forms part of West District, Tis Hazari Courts, Delhi. He submits that at the time of filing the suit and passing of the judgment and decree, West District was not in existence.

5. Since the property in question is situated within the West District, the said Execution Petition No.65/2011 is withdrawn from the court of Sh. Vijay Shankar, learned ADJ-07, Central District, Tis Hazari Courts, Delhi, and is transferred to the West District. Since after retirement of learned District Judge, West District, no new incumbent has joined, the officiating District Judge, West District is requested to assign the execution petition to any competent court for disposal in accordance with law.

6. The petition is disposed of accordingly. The parties are directed to appear before the learned officiating District Judge on 18th January, 2019.

(VINOD GOEL)
JUDGE

DECEMBER 12, 2018
‘AA’