

\$~2 &3 (common order)

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

+ TR.P.(C.) 153/2016 and CM APPL.43484/2016 (stay)
KAMAL KUMAR NEWAR Petitioner

Through: Mr. P.K. Seth, Advocate with
Mr. Vineet Seth, Advocate

versus

NAND KUMAR NEWAR Respondent

Through: Mr. M.M. Kalra, Advocate with
Ms. Sonali Kumar, Advocate

+ TR.P.(C.) 19/2017 and CM APPL.4838/2017 (stay)
PAWAN KUMAR NEWAR & ANR Petitioners

Through: Mr. Avneesh Garg, Advocate with
Mr. Pramit Chhetri, Advocate

versus

NAND KUMAR NEWAR & ANR Respondents

Through: Mr. M.M. Kalra, Advocate with
Ms. Sonali Kumar, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **26.02.2018**

The petitioner in transfer petition (civil) No.153/2016 had instituted civil suit for partition of certain properties claiming the same to have been inherited from the predecessor-in-interest of the parties which include the respondent herein as the first defendant. The said suit is presently registered as (CS(OS) No.150/2010) pending on the original side of this court.

Earlier, the respondent in the transfer petition (civil) No.153/2016 had instituted a suit for recovery of possession and damages against the petitioner, also on the original side of this court, it being then registered as

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(CS (OS) No.362/2009). The said suit of the respondent concerns property described as A-1/281, Safdarjung Enclave, New Delhi, it concededly being one of the properties described as part of the estate left behind by the predecessor-in-interest of the parties, which is the subject-matter of the partition suit as mentioned earlier. Of course, the respondent contests the said claim claiming the said property to be his self-acquired property.

The previous suit, *i.e.*, the suit for recovery of possession and damages instituted by the respondent against the petitioner was transferred to the District Court on change of the pecuniary jurisdiction. The prayer in both these transfer petitions is for the said suit to be transferred back to the original side of this court, it statedly being connected and having a bearing on the subsequent suit already pending here.

In the given facts and circumstances, the prayer appears to be correct, both the suits having property mentioned above as common subject-matter, the contentions raised by the opposite party being similar and, thus, they requiring adjudication by the same court.

The prayer is granted. The civil Suit No.9471/2016, pending before the court of Priya Mahendra, Additional District Judge, South District at Saket Court, New Delhi is ordered to be transferred to the original side of this court.

The transferor court shall make over the file to this court fixing an appropriate date for the parties to appear here.

Both the petitions and the applications filed therewith stand disposed of in above terms.

R.K.GAUBA, J.

FEBRUARY 26, 2018/vk

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