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

+ **TR.P.(C.) 225/2018**

RAGHBURI SARAN CHARITABLE TRUST Petitioner

Through : Ms.Swati R.K., Advocate.

versus

ARUN KUMAR JAIN & ANR Respondents

Through : Ms.Neha Kapoor, Advocate.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **03.12.2018**

CM APPL.50045/2018

In view of the reasons explained in the application, the delay of 18 days in refiling the petition stands condoned.

The application stands disposed of.

CM APPL.50044/2018

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

TR.P.(C.) 225/2018, CM APPL.50043/2018

The petitioner has filed this petition for transfer of Civil Suit No.57679/2016 *Arun Kumar Jain & Anr. vs. Raghubir Saran Charitable Trust & Ors.* pending in the Court of learned Additional District Judge-05, Patiala House Courts, New Delhi to this Court and be tried in this Court with CS(OS) No.574/2018 *Raghubir Saran Charitable Trust & Ors. vs. Arun Kumar Jain & Anr.*

Both learned counsels inform the suit pending before the learned District Court is for specific performance filed by respondent and suit pending in this Court is for possession filed by petitioner herein.

The learned counsel for respondent appearing on advance notice says she has no objection to the prayer made in the petition for transfer of suit pending in District Court for trial in this Court along with CS(OS) No.574/2018.

In view of above, the petition is allowed and Civil Suit No.57679/2016 *Arun Kumar Jain & Anr. vs. Raghubir Saran Charitable Trust & Ors.* pending in the Court of learned Additional District Judge-05, Patiala House Courts, New Delhi be transferred to this Court to be tried along with CS(OS) No.574/2018 *Raghubir Saran Charitable Trust & Ors. vs. Arun Kumar Jain & Anr* and the latter suit shall be treated as a lead suit. The pending application is also disposed of. Copy of this order be given *dasti* to the parties under signatures of the Court Master.

YOGESH KHANNA, J.

DECEMBER 03, 2018

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