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

+ **TR.P.(C.) 81/2019 & CM APPL. 29070/2019**

ZAHIDA BEGUM

..... Petitioner

Through Ms Vagisha Kochar, Advocate.

versus

ABDUL MAJID & ANR

..... Respondents

Through Mr Joginder Singh Sehrawat, Advocate
for R1.

Mr M. Asif Dhan, Advocate for R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **30.07.2019**

1. The petitioner has filed the present petition under Section 24 of the Code of Civil Procedure, *inter alia*, praying that the suit bearing CS No. 390/2019, captioned 'Zahida Begum v. Abdul Majid & Anr', which is pending before the Court of learned ADJ-03, North West, Rohini Court be transferred to the Court of learned ADJ-03, North, Rohini Court Complex, to be tried along with CS No. 58235/2016, captioned 'Kamal Abhua v. Zahida Begum'.
2. The learned counsel appearing for the respondent states that the suit filed by the petitioner, bearing CS No. 390/2019, is not maintainable and no issues have been framed in the same.
3. The learned counsel appearing for the petitioner submits that both the said suits are in respect of the same property and would involve common

issues. She states that the suit filed by her is for injunction, declaration and recovery of possession regarding the suit property. And, the suit filed by the respondent is for specific performance of an Agreement to Sell the suit property.

4. This Court is not inclined to entertain the present petition at this stage since the issues have not been struck. If the respondents prevail in their contention that the said suit is not maintainable, it would not be necessary to try both the said suits together.

5. In view of the above, the present petition is dismissed leaving it open for the petitioner to apply afresh once the issues are struck and if it is found that the issues are similar to the ones struck in the suit preferred by the respondents.

6. The pending application is disposed of.

VIBHU BAKHRU, J

JULY 30, 2019

pkv