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

+ **TR.P.(C.) 104/2019**

SUNIL KUMAR BHATIA

..... Petitioner

Through: Mr Sandeep Kumar, Advocate.

versus

STATE & ORS

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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09.08.2019

CM No.35779/2019

1. Allowed, subject to all just exceptions.

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2. The petitioner has filed the present petition, *inter alia*, praying that Probate Case No.50327/2016 captioned '*Sunil Bhatia v. State & Ors.*', which is pending before the court of the learned ADJ, (North West) Rohini Courts, be transferred to the District and Sessions Judge (West District), Tis Hazari Courts.

3. The petitioner states that the said petition was filed in the year 2011, for probate of a Will stated to be executed by the father of the petitioner, Late Sh Anand Prakash Bhatia. In terms of the said Will, the property bearing no. F-47, Mansarovar Garden, Delhi – which fell within the jurisdiction of the District Courts, (North West), Rohini at the material time – was bequeathed to the petitioner. Accordingly, the petitioner had filed the

said Probate Petition before the District Court, (North West), Rohini Courts. It is stated that subsequently, there was realignment of the territorial jurisdiction and the property in question, which now falls within the jurisdiction of the District Court (West District).

4. The petitioner states that the probate petition was instituted in a court of competent jurisdiction. However, on account of realignment/readjustment of jurisdiction, the case is now required to be considered by the District Judge (West District), Tis Hazari Courts.

5. The aforesaid contention is unmerited. If a suit is instituted in a court having jurisdiction over a subject matter at the material time, the subsequent alignment or adjustment of the territorial jurisdiction of that court would not denude the court from deciding the said case.

6. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

AUGUST 09, 2019
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