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

+ **TR.P.(C.) 106/2019**

SUSHIL CHAND JAIN

..... Petitioner

Through Mr Jai Sahai Endlaw, Mr Shivansh Soni,
Ms Deepika Mishra, Advocates

versus

SATISH CHAND JAIN & ANR

..... Respondents

Through Mr Manu Bansal, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **14.08.2019**

CM No.36348/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The petitioner has filed the present petition, *inter alia*, praying that suit bearing No. C.S. 7709/2016 captioned '*Satish Chand Jain v. Sushil Kumar Jain & Anr.*' – which is currently pending before the learned Additional Civil Judge (District East) Karkardooma Courts, Delhi – be withdrawn to be tried along with C.S. (OS) 1515/2016 captioned '*Satish Chand Jain v. Sushil Kumar Jain & Ors.*'. The learned counsel appearing for the petitioner states that the said suit is for permanent and mandatory injunction in respect of one shop bearing private number 1, Ground Floor, Suraj Readymade Market, IX/531, Subhash road, Delhi - 110031 and a Shop

located on the first floor in Suraj Readymade Market, IX/531, Subhash Road, Delhi - 110031. It is stated that the suit properties are also included in the properties which are subject matter of a partition suit bearing C.S. (OS) 1515/2016 captioned '*Satish Chand Jain v. Sushil Kumar Jain & Ors.*' which is pending before this court. The learned counsel appearing for the respondent has no objection if the petition is allowed.

4. It is also seen that some of the issues involved are common. Accordingly, C.S. 7709/2016 captioned '*Satish Chand Jain v. Sushil Kumar Jain & Anr.*' is withdrawn from the Court of Learned Additional Civil Judge (District East) Karkardooma Courts, Delhi to be tried along with C.S. (OS) 1515/2016 captioned '*Satish Chand Jain v. Sushil Kumar Jain & Ors.*'.

5. The parties are directed to appear before the Court on 02.09.2019.

6. The petition is disposed of.

VIBHU BAKHRU, J

AUGUST 14, 2019

pkv