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

+ **TR.P.(C.) 146/2018**

TEJINDER SINGH BAKSHI & ANR

..... Petitioners

Through: Mr Sagar Aggarwal and Mr Jitesh
Talwani, Advocates.

versus

AMARJEET KAUR & ORS

..... Respondents

Through: Mr Anil Sharma and Mr Kunal Nath,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **25.04.2019**

CM No. 31823/2018

1. Allowed, subject to all just exceptions.

TR.P.(C.) 146/2018

2. The petitioner has filed the present petition, *inter alia*, praying that the Civil Suit No. 611524/2016 captioned 'Amarjeet Kaur & Anr. v. Tejinder Singh Bakshi & Ors.', which is pending before the Civil Court, learned ADJ (West), Tis Hazari Courts be transferred to the Court of Ld. ADJ Dwarka.

3. The said suit is for partition, possession and permanent injunction relating to a property bearing B-1A/69B, MIG Flat, Janakpuri, Delhi-110058, which was owned by one Shri Tarlochan Singh Bakshi.

4. It is averred in the plaint that Shri Tarlochan Singh Bakshi had died intestate and consequently, the parties to the suit had become joint owners of the said property. The petitioner states that after the suit had been filed, a

will executed by Shri Tarlochan Singh Bakshi in respect of the said property, was discovered and a petition for probate of the said Will was filed, which is now pending before the Court of learned ADJ, Dwarka.

5. He states that both proceedings relate to the same property and, therefore, it would be apposite for the suit to be transferred to the Court of learned ADJ, Dwarka.

6. The learned counsel appearing for the respondent opposes the said request. He states that the probate petition is a frivolous petition and has been filed only to delay the proceedings in the suit. He further states that considerable progress has been made in the suit and, therefore, the same ought not to be transferred.

7. The learned counsel appearing for the petitioner states that there is no objection if the probate petition pending before the learned ADJ, Dwarka is transferred to the same Court, before which the suit is pending.

8. In view of the above, Succession Petition PC 25/2018 captioned 'Varinder Kaur v. State and Ors.', which is pending before the District Judge, South-West, Delhi is directed to be transferred to the Court of learned ADJ (West), Tis Hazari, Delhi, which is in seisin of the Civil Suit No.611524/2016. It is further directed that the proceedings in the suit shall not be adjourned, pending the transfer of the files relating to the probate petition.

9. The petition is disposed of with the aforesaid directions.

10. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

APRIL 25, 2019/MK