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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(C.) 148/2018 & CM APPL. 3609/2019**

Y K GUPTA

..... Petitioner

Through Mr Ashim Vachher, Mr Vaibhav Dabas,
Advocates.

versus

STATE & ORS

..... Respondents

Through Mr Cauveri Birbal, Advocate for R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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06.05.2019

1. The petitioner has filed the present petition, *inter alia*, praying that the suit for partition being CS No. 208/2016 captioned Y.K. Gupta v. V.K. Gupta, which is pending before the Court of Sh Brijesh Kumar Garg, Additional District Judge, North East (NE-01), Karkardooma Courts, New Delhi, be transferred to this Court.
2. The petitioner states that he had also filed a case seeking Letters of Administration – Testamentary Case No. 19/2012 captioned Sh Y.K. Gupta v. State and Ors. – which is pending before this Court. The petitioner submits that there is a possibility of conflict of decisions in the said cases and, therefore, both the said cases ought to be heard together.
3. The petitioner has filed the Testamentary case (Case No. 19/2012) before this Court, *inter alia*, praying for Letters of Administration in respect

of the properties of late Sh A.N. Gupta. The petitioner has also filed a suit for partition claiming that Sh. A.N. Gupta had died intestate. The learned counsel appearing for the respondent no. 2 (Sh VK Gupta) states that there is no dispute that Sh A.N. Gupta had died intestate.

4. In view of the above statement, it is clear that there is little possibility of conflict, as the principal examination in the Testamentary Case No. 19/2012 relates to the questions whether late A.N.Gupta had expired intestate and who are his heirs. And, there is no dispute that Shri AN Gupta had died intestate. The Court considering the said case is not concerned with the manner of partition of the property of late Sh A.N. Gupta.

5. In the aforesaid view, this Court is not persuaded to accept that the suit for partition filed by the petitioner is required to be transferred to this Court.

6. The petition is, accordingly, dismissed. The pending application also stands disposed of.

VIBHU BAKHRU, J

MAY 06, 2019

pkv