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

+ **TR.P.(C.) 175/2018**

SUBHASH CHANDER

..... Petitioner

Through Mr S.P. Srivastava, Advocate.

versus

TRIPTA CHADHA

..... Respondent

Through Ms Suman Kapoor, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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07.08.2019

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to transfer the suit bearing No. 299/2016 new CS No. 10472/2016 captioned '*Tripta Chadha v. Subhash Chander Awal*' which is pending before the Learned ADJ -03 (Central), Tis Hazari Courts, Delhi, to this Court. The said suit was filed by the respondent for seeking cancellation of an Agreement to Sell dated 29.09.2008, allegedly executed by late Sh Kashmiri Lal (since deceased) in favour of the petitioner. The petitioner claims to be the adopted son of late Sh Kashmiri Lal.
2. The petitioner has also set up a Will of late Sh Kashmiri Lal, whereby he claims that the suit property has been bequeathed to him. The petitioner seeks withdrawal of the said suit to this Court to be tried along with the probate petition (Test Case No. 55/2017) with respect to the aforesaid Will on the ground that that the two proceedings involve common issues.
3. It is apparent from the above that the principal issue involved in both

the proceedings is not common. The suit filed by the respondent is with regard to the cancellation of the said Will and the same is not the subject matter of the probate petition (Test. Case 55/2017). Furthermore, this Court is also informed that the suit is at the stage of final arguments and the probate petition (Test Case No. 55/2017) is at the stage of leading evidence.

4. In this view, this Court does not consider it apposite to direct transfer of the said suit to this Court.

5. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

AUGUST 07, 2019

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