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

+ **TR.P.(C.) 190/2017**

HEENA

..... Petitioner

Through: Mr Gaurav Seth and Mr Vipin Malik,
Advocates.

versus

NADEEM AHMAD

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **17.05.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that the suit bearing No. 9071/2016 captioned “*Heena v. Nadeem Ahmad*” be transferred from the Court of Learned ADJ, Shahdara District to the Court of Learned ADJ, East District, Karkardooma Court Complex. It is stated that the said suit has been filed for the partition of the property. The petitioner has filed the said suit for declaration and permanent injunction, *inter alia*, seeking a decree that the relinquishment deeds executed in respect of the properties bearing No. 42, Gali No. 5, Rasheed Market near Imambara, Delhi-110051, and property bearing No. 43-A, Gali No. 5, Rasheed Market, Delhi-110051, be declared as null and void.
2. The learned counsel appearing for the petitioner states that the said properties would fall within the jurisdiction of the East District and, therefore, the said suit ought to be transferred to the concerned Court of the East District. In addition, it is stated that the petitioner has also filed a suit for the partition of the subject properties which is pending before the Court

of learned ADJ, East District, Karkardooma Court Complex. None appears for the respondent. However, it is noticed that respondent has filed the reply, wherein the respondent has objected to the transfer of the said suit on the ground that the subject matter of the partition suit, pending before the Court of learned ADJ, East District being Suit No. 255/2017 captioned “*Azeem v. Nadeem Ahmad*”, is materially different. According to the respondent, the said suits are not required to be tried together. At this stage, this Court is not examining the question whether two suits are required to be clubbed or tried together. There is no dispute that the properties are located within the jurisdiction of the East District.

3. In view of the above, the present petition is allowed and the suit bearing No. 9071/2016 captioned “*Heena v. Nadeem Ahmad*” is transferred from the Court of learned ADJ, Shahdara to the concerned Court in East District, Karkardooma Court Complex.

4. The parties are directed to appear before the concerned Court on 03.06.2019.

VIBHU BAKHRU, J

MAY 17, 2019

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