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

+ TR.P.(C.) 153/2019

SONIKA GOYAL

..... Petitioner

Through: Ms.Shilpi Jain Sharma, Adv.

versus

KAILASH CHANDRA JOSHI

..... Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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06.01.2020

1. This petition has been filed seeking transfer of Suit bearing no. 208958/2016, pending before the Court of the learned Additional District Judge (South East), Saket to this Court to be tried alongwith CS(OS) No. 35/2017, titled ***Deepa Talreja v. Tara Joshi and Ors.***
2. In spite of notice being served on the respondent, none has appeared for the respondent. The respondent is therefore proceeded *ex-parte*.
3. It is the case of the petitioner that the petitioner had filed a Suit bearing no.9900/2016 *inter-alia* praying for a Decree of declaration with respect to the third floor of the property bearing no.943/8, Khasra No. 317/2 Khewat No. 118/308, ad-measuring 200 sq. yd., situated at Arjun Nagar, Kotla Mubarakpur, New Delhi *inter-alia* against the respondent herein.
4. One Deepa Talreja had filed a suit being CS(OS) 35/2017, titled ***Deepa Talreja v. Tara Joshi and Ors.*** wherein the petitioner herein has also been arrayed as a defendant, praying for a Decree of declaration and possession of the abovementioned property alongwith the 4th floor of the

said property *inter alia* claiming that the 4th floor of the abovementioned property had been given on lease to the respondent herein.

5. The suit bearing no.9900/2016 referred hereinabove was transferred to this Court by an order dated 21.05.2019 passed by this Court in TR.P. (C) No.184/2018, titled ***Sonika Goyal v. Tara Joshi & Ors.***

6. As far as the Suit bearing no.208958/2016 is concerned, the petitioner has filed the said suit *inter-alia* claiming a Decree of possession with respect to the 4th floor of the abovementioned property, which the petitioner claims to have given on lease to the respondent herein.

7. It is contended that as the suit bearing no.208958/2016 filed by the petitioner and CS(OS)35/2017 filed by Deepa Talreja claim rights on the 4th floor of the abovementioned property, it would be in the interest of justice that Suit No.208958/2016 is transferred to this Court.

8. I find merit in the submissions made by the learned counsel for the petitioner. Accordingly, suit bearing no.208958/2016, titled ***Sonika Goyal v. Kailash Chandra Joshi*** is transferred to this Court to be listed on 29.01.2020 before the Registrar (Judicial).

9. As the plaintiff and other parties in CS(OS) 35/2017 are not made party in the present petition, the issue of consolidation of suit bearing no.208958/2016 and CS(OS) 35/2017 shall be considered by the appropriate Court after hearing those parties in such proceedings.

10. The petition is allowed in the above terms, with no order as to costs.

NAVIN CHAWLA, J

JANUARY 06, 2020/Arya