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

+ **TR.P.(C.) 64/2022**

LT GEN Y K MEHTA

..... Petitioner

Through: Mr.Salim A.Inamdar, Mr.Modassir
Husain Khan, Mr.Abhishek Thakral
and Ms.Shruti Kapur, Advocates

versus

ARCHANA SOOD & ORS.

..... Respondents

Through: Ms.Namita Roy, Adv. for R-1.
Dr.Chandra Shekhar, Adv. for R-4.

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Date of Decision: 30.08.2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CM APPL. 37918/2022 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

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1. Present transfer petition has been moved for transfer of CS (OS) No.1352/2009 renumbered as CS No.11791/2016 (referred to as first suit) pending before Ms.Shally Arora, learned ADJ, South-East, Saket. This was a suit filed by the petitioner herein for pre-emption,

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declaration and injunction under Section 22 of the Hindu Succession Act concerning the property bearing no.D-193, Defence Colony, New Delhi. It is pertinent to mention here that initially this suit was filed in this court, however, on account of enhancement of pecuniary jurisdiction of the district court, the suit was transferred from this court to the district court.

2. The respondent no.1 herein filed a suit being C.S.(OS) No.1249/2011 for a decree of partition in favour of the petitioner herein and other defendants, which is pending disposal before this court. It has been submitted that both the suits have the same subject matter i.e. property bearing no.D-193, Defence Colony, New Delhi and majority of the parties are also the same. It has been submitted that C.S.(OS) No.1249/2011 is a part-heard matter and is at the final stage, listed on 10.10.2022. It has also been submitted that CS (OS) No.1352/2009 renumbered as CS No.11791/2016 is also at the stage of final arguments.
3. Both the parties submit that it would be in the interest of justice and to avoid any conflicting judgment that both the suits are disposed of by the same court. It has been submitted that therefore, CS (OS) No.1352/2009 renumbered as CS No.11791/2016 is withdrawn from the court of learned ADJ, South East, Saket and assigned to this court.
4. In view of the submissions made by the counsels for the parties, CS (OS) No.1352/2009 renumbered as CS No.11791/2016 pending before the court of learned ADJ, South East, Saket is withdrawn and assigned to this court.



NEUTRAL CITATION NO: 2022/DHC/003380

5. Copy of this order be sent to the Principal District and Sessions Judge, South East, Saket with direction to send the record of this case in the physical as well as in digital form immediately.
6. Parties are directed to appear before the Registrar General on 15.09.2022.
7. With the above directions, the transfer petition stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 30, 2022

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