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

+ TR.P.(C.) 101/2022

SUCHIT PRASAD JAIN

..... Petitioner

Through: Mr.Rakesh Chander Agrawal,
Mr.Sandeep Dhanuka and Ms.Kavita
Kumar Agrawal, Advocates

versus

SMT NEERAJ PURI & ANR.

..... Respondents

Through: Mr.Chandra Gupta, Advocate for R-1.
Ms.Anusuya Salwan, Mr.Rachit
Wadhwa, Mr.Bankim Garg,
Advocates with Mr.Waseem Ahmed,
L.A. for R-2/DSI IDC.

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Date of Decision: 02.11.2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

Caveat No.353/2022

Since the counsel for the caveator has appeared, the caveat stands discharged.

CM APPL. 46888/2022 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

TR.P.(C.) 101/2022, CM APPL. 46887/2022 (stay)

1. The present petitioner has been filed under Section 24 of the Code of Civil Procedure, 1908 for transfer of Civil Suit No.51/2019 titled as *Neeraj Puri vs. Suchit Prasad Jain* pending in the court of learned ADJ, East

District, Karkardooma Court, Delhi to the competent of court of jurisdiction. Learned counsel for the petitioner submits that regarding the same subject matter, a Civil Suit No.1084/2018 titled as *Suchit Prasad Jain vs. Neeraj Puri* is pending in the court of learned ADJ, Shahdara, Karkardooma Court, Delhi.

2. Learned counsel for the petitioner submits that since all the litigations are between the same parties and subject matter of the property is also the same, in order to avoid any contradictory jurisdiction, Civil Suit No.51/2019 titled as *Neeraj Puri vs. Suchit Prasad Jain* pending in the court of learned ADJ, East District, Karkardooma Court, Delhi may be transferred to the competent court of jurisdiction in Shahdara District, Karkardooma Court, Delhi.

3. Issue notice. Mr.Chandra Gupta, learned counsel accepts notice for respondent no.1 and Ms.Anusuya Salwan, learned counsel accepts notice for respondent no.2.

4. Section 24 of CPC provides as under:

(1) On the application of any of the parties and after notice to the parties and after hearing such of them as desired to be heard, or of its own motion without such notice, the High Court or the District Court may at any stage

(a) transfer any suit, appeal or other proceeding pending before it for trial or disposal to any Court subordinate to it and competent to try or dispose of the same, or

(b) withdraw any suit, appeal or other proceeding pending in any Court subordinate to it, and

(i) try or dispose of the same; or

(ii) transfer the same for trial or disposal to any Court subordinate to it and competent to try or dispose of the same; or

(iii) retransfer the same for trial or disposal to the Court from which it was withdrawn.

(2) Where any suit or proceeding has been transferred or withdrawn under sub-section (1), the Court which ¹[is thereafter to try or dispose of such suit or proceeding] may, subject to any special directions in the case of an order of transfer, either retry it or proceed from the point at which it was transferred or withdrawn.

²*[(3) For the purposes of this section,*

(a) Courts of Additional and Assistant Judges shall be deemed to be subordinate to the District Court;

(b) “proceeding” includes a proceeding for the execution of a decree or order].

(4) The Court trying any suit transferred or withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

³*[(5) A suit or proceeding may be transferred under this section from a Court which has no jurisdiction to try it.]”*

5. I consider that in order to avoid parallel proceedings and contradictory judgments, Civil Suit No.51/2019 titled as *Neeraj Puri vs. Suchit Prasad Jain* pending in the court of learned ADJ, East District, Karkardooma Court, Delhi is withdrawn and assigned to the court of learned Principal District & Sessions Judge, Shahdara District, Karkardooma Court, Delhi. Learned Principal District & Sessions Judge, Shahdara District, Karkardooma Court, Delhi may assign this suit to the court trying Civil Suit No.1084/2018 titled

as *Suchit Prasad Jain vs. Neeraj Puri* pending in the court of learned ADJ, Shahdara, Karkardooma Court, Delhi. The transferor court is directed to transfer all the record pertaining to Civil Suit No.51/2019 titled as *Neeraj Puri vs. Suchit Prasad Jain* to the transferee court.

6. Copy of this order be sent to the court of learned Principal District & Sessions Judge, East District, Karkardooma Court, Delhi and learned Principal District & Sessions Judge, Shahdara District, Karkardooma Court, Delhi.

7. Parties are directed to appear before learned Principal District & Sessions Judge, Shahdara District, Karkardooma Court, Delhi on 04.11.2022.

8. With the above directions, the petition stands disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 2, 2022

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