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

Date of decision: 10.07.2023

+ **TR.P.(C.) 111/2023**

VANDANA GOSWAMI

..... Petitioner

Through: Mr.Rajat Aneja, Mr.Ajay Saroya, Ms.Shambhavi Pandey, Advs.

versus

POOJA ARORA & ANR.

..... Respondents

Through: Mr.K. Dharam, Adv. for R-1
Ms.Arti Arora, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (ORAL)

CM APPL. 33974/2023 (Exemption)

1. Allowed, subject all just exceptions.

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2. This petition has been filed seeking transfer of the two suits, being C.S. DJ No. 262/2021 titled ***Pooja Arora v. Vandana Goswami and Another***, pending before the court of the learned Additional District Judge-1 (North), Rohini Courts, Delhi (hereinafter referred to as the 'First Suit') and C.S. DJ No. 416/2021 titled ***Pooja Arora v. Vandana Goswami and Another***, pending before the Court of the learned Additional District Judge-04 (North), Rohini Courts, Delhi (hereinafter referred to as the 'Second Suit'), to be tagged and consolidated with CS (OS) No. 142/2023, titled ***Vandana Goswami v. Pooja Arora and Another***, pending before this Court (hereinafter

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3. Admittedly, the parties to the present petition and the above mentioned three suits are siblings, being children of late Sh. Subhash Chander and late Smt.Sanyogita Khetarpal.

4. The First Suit has been filed by the respondent no.1 against the petitioner and the respondent no.2, seeking partition of the property bearing No. 19/2, Second Floor, Third Floor and the Fourth Floor, Indira Vikas Colony, Delhi-110009, *inter-alia* stating therein that her father late Sh. Subhash Chander had acquired the said suit property and had died intestate on 19.02.2017, without executing any Will. The suit property was inherited by the parties herein on his demise. On the averments made in the said suit, the respondent no.1 prayed *inter-alia* for a decree of partition, possession and rent etc.

5. The Second Suit has been filed by the respondent no.1 against the petitioner claiming that she is the absolute owner of the suit property bearing No. 336-J, First Floor, Khasra No. 764/62, Village Dhakka Johar, Near Bhai Parmanand Colony, Delhi-110009, without roof/terrace rights, admeasuring 100 square yards, by virtue of the registered Will dated 19.12.2017, executed by the mother of the parties. She claims that she had also contributed in the purchase of the said property. The suit, on the basis of averments made therein, prays for a decree of declaration, possession and user charges, etc., from the petitioner herein.

6. The Third Suit has been filed by the petitioner herein against the respondents herein *inter-alia* claiming partition of various properties, including the properties for which the respondent no.1 herein has filed in the First and the Second Suit, claiming that the

parents of the parties had died intestate and also denying the execution of the Will set up by the respondent no.1.

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7. I must herein note that the learned counsels for the respondents, who appear on advance notice, submit that some of the properties mentioned in the Third Suit never belonged to the parents of the parties herein. They further submit that even the pecuniary jurisdiction of this Court has been wrongly invoked by the petitioner in filing of the Third Suit.

8. Without prejudice to their defence, they submit that they have no objection if the First and Second Suits are transferred to this Court, to be tried alongwith the Third Suit, which is already pending before this Court.

9. Accordingly, keeping all the defences of the respondents open in the Third Suit, it is directed that the Suit, being C.S. DJ No. 262/2021 titled ***Pooja Arora v. Vandana Goswami and Another***, pending before the Court of the learned Additional District Judge-1(North), Rohini Courts, Delhi, and C.S. DJ No. 416/2021 titled ***Pooja Arora v. Vandana Goswami and Another***, pending before the Court of the learned Additional District Judge-04 (North), Rohini Courts, Delhi, be transferred to this Court and be tagged and consolidated with CS (OS) No. 142/2023, titled ***Vandana Goswami v. Pooja Arora and Another***, pending before this Court, with the Third Suit being the lead Suit.

10. The petition and the pending application are disposed of in the above terms.

NAVIN CHAWLA, J

JULY 10, 2023/Arya/ss

[Click here to check corrigendum, if any](#)

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