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

+ **LPA 163/2024 & CM APPL. 11476/2024**

SMT. MITHLESH

.....Appellant

Through: Ms. Nupur Sachdeva, Mr. Lokesh Kumar, Mr. Navin Kumar Chittoria and Ms. Sanjana Antil, Advocates (through VC).

Versus

SH. ASHOK KUMAR

.....Respondent

Through: Mr. S.D. Singh, Ms. Kamla Prasad, Ms. Meenu Singh and Mr. Siddharth Singh, Advocates.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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24.07.2024

CM APPL. 11477/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Accordingly, the present application stands disposed of.

LPA 163/2024 & CM APPL. 11476/2024(Stay)

3. Present appeal has been filed challenging the impugned order dated 12th January, 2024 passed by the learned Single Judge in TR.P.(C.) 1/2019, whereby the Transfer Petition was allowed and the **Suit No.CS 110/2016** titled '**Ashok Kumar vs. Mohd. Irshad**', pending before learned ADJ, North-West, Rohini, Delhi, was transferred to this Court to be heard along



with **CS(OS) 605/2016** titled '**Ashok Kumar vs. Smt. Dayawati**' pending before this Court on the ground that both the suits relate to the same property.

4. Learned counsel for the appellant states that **CS (OS) 4097 of 2014** titled **Ashok Kumar vs. Mohd. Irshad & Anr.** was filed by the respondent seeking permanent injunction against the appellant from forcibly dispossessing the respondent from the disputed land situated at Plot No.18, Khasra No.1170, Kirari Village, Suleman Nagar, Prem Nagar-II, Kirari, Delhi, measuring 150 sq. yds. She states that by way of notification dated 24th November, 2015, all suits and other proceedings pending before this Court below the value of INR 1 Crores were directed to be transferred to the jurisdictional subordinate Court. Thereafter, by way of an order dated 30th November, 2015, **CS (OS) 4097/2014** was transferred to the Rohini District Court and was renumbered as **CS 110/2016**. She avers that another Suit bearing **CS (OS) No.605/2016** was filed by the respondent seeking specific performance and execution of the sale deed in respect of a larger area of 283 sq. yds.

5. In response to a pointed query, learned counsel for the appellant admits that the land of 283 sq. yds., for which specific performance is sought includes 150 sq. yds., for which suit for permanent injunction has been filed.

6. Consequently, as both the suits pertain to the same property and have common parties, this Court is of the view that to avoid conflict of orders, the learned Single Judge has rightly transferred **CS(OS) 4097 of 2014** renumbered as **CS 110/2016** to this Court.



7. Accordingly, the present appeal, being bereft of merits is dismissed.
Pending application also stands disposed of.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

JULY 24, 2024/kct