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

+ **TR.P.(C.) 37/2024, CM APPL. 12938/2024**

SUBHASH CHANDER KHATRIPetitioner

Through: Mr. Abhimanyu Singh, Adv.
versus

HARI OM (SINCE DECEASED) THR LRSRespondent

Through: Mr. S.C. Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% 25.11.2024

1. This petition seeks for transfer of Civil Suit No. DJ/576112/2016 pending before the Court of ADJ, (North-West), Rohini Court, Delhi to Court of ADJ, (North), Rohini Courts, Delhi.
2. The petition is premised on the ground that both the Civil Suits have been instituted with respect to similar set of facts.
3. Learned counsel for the petitioner further submits that the petitioner has instituted the instant Civil Suit against the respondent with respect to land situated at Lal Dora of Village Sighola, Delhi over Khasra No. 70/40. He contends that with respect to the same Khasra number for different plot area, the petitioner's brother namely, Mr. Devender Singh Khatri has also instituted Civil Suit against the same respondent, which is pending before the Court of ADJ, (North), Rohini Courts, Delhi.
4. Learned counsel contends that the nature of evidence and the witnesses in both the Civil Suits are almost the same and it will be in the interest of justice to transfer the instant Civil Suit along with the Civil Suit



which is pending at the instance of Mr. Devender Singh Khatri in the Court of ADJ, (North), Rohini Courts, Delhi.

5. The aforesaid submissions are strongly opposed by learned counsel for the respondents and he contends that in the instant case, the consent of Mr. Devender Singh Khatri has not been placed on record and secondly, he stated that the stage of both Civil Suits are different.

6. I have considered the submissions and perused the record. The facts of the case indicate that, plot measuring 125 sq. yds. is stated to have been sold to the petitioner whereas a plot measuring 400 sq. yds as stated to have been sold to the petitioner's brother, namely Mr. Devender Singh Khatri. Both the plots are situated over Khasra No. 70/40 Min., extended Lal Dora of Village Singhola, Delhi-110040. It appears that the documents were presented for registration before the Sub-Registrar, VI-B, Alipur, Delhi on the same date and all necessary formalities including execution of sale deed etc. have taken place. Moreover, there is also not in dispute that the nature of evidence in both the Civil Suits is the same and further there are common witnesses as well.

7. Thus, taking into consideration overall conspectus of facts and circumstances and also of the fact that the evidence in both the cases have has not yet been concluded, the Court deems it appropriate to transfer the Civil Suit No. CS DJ/576112/2016 pending before the Court of ADJ, (North-West), Rohini Courts, Delhi to the Court of ADJ, (North), Rohini Court, Delhi wherein the Civil Suit bearing CSDJ/57711/2016 is pending.

8. The matter is disposed of along with pending applications.

PURUSHAINdra KUMAR KAURAV, J

NOVEMBER 25, 2024/tp