



2024 : DHC : 422



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

+ **TR.P.(C.) 119/2023**

SHRI HARISH GUPTA

..... Petitioner

Through: Mr. Shiv Charan Garg and Mr.
Imraan Khan, Advs.

versus

SHRI PRADEEP GUPTA & ORS.

..... Respondents

Through: Mr. Sudesh Goyal, Adv. for
Respondent 1 with Respondent 1 in person

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (ORAL)

19.01.2024

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TR.P.(C.) 119/2023

1. C.S.(OS) 61/2021 was instituted by the petitioner in this Court seeking partition of certain properties.
2. Some of the said properties form subject matter of Probate Petition 27/2019 (*Pradeep Gupta v. State*) and Probate Petition 28/2019 (*Pradeep Gupta v. State*), both of which are pending before the learned Additional District Judge, Tis Hazari Courts, Delhi.
3. Learned Counsel for both sides are *ad idem* that the properties forming subject matter of the afore-noted Probate Petitions are also subject matter of the partition suit, i.e. C.S.(OS) 61/2021.

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4. It is obvious, therefore, that the outcome of the Probate Petitions would fundamentally affect the partition suit.
5. In order to avoid multiplicity of proceedings and ensure that the disputes are expeditiously brought to a close, it would be expedient and in the interests of justice that the Probate Petitions pending before the Tis Hazari Courts are also taken up by this Court and heard with CS (OS) 61/2021.
6. Accordingly, this Transfer Petition is allowed. Probate Petition 27/2019 and Probate Petition 28/2019 pending before the Tis Hazari Courts are transferred to this Court to be heard along with C.S.(OS) 61/2021.
7. However, it is clarified that the afore-noted Probate Petitions would continue from the stage at which they are at present.
8. The Registry of Tis Hazari Courts and the Registry of this Court are directed to coordinate and take steps to ensure that the records of the aforesaid Probate Petitions are transferred to this Court expeditiously.
9. This Transfer Petition stands allowed in the afore-said terms.

C.HARI SHANKAR, J

JANUARY 19, 2024/rb

Click here to check corrigendum, if any

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