



2024 : DHC : 2859



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

+ **TR.P.(C.) 122/2023 and CM 37869/2023**

KOKILA GUPTA

..... Petitioner

Through: Mr. Pawan Sharma, Advocate.

versus

INDU BALA & ANR.

..... Respondents

Through: Mr. Nishant Mankoo,
Advocate.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

08.04.2024

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1. By this petition, the petitioner seeks transfer of Civil Suit 183/2019 (*Indu Bala and Anr. v. Kokila Gupta and Anr.*) from the Court of the learned Additional District Judge-03 (South-East), Saket District Courts to this Court. The ground for transfer is that CS (OS) 252/2023 and Test Case 8/2020, which deal with the property which forms subject matter of CS 183/2019, are pending before this Court.

2. Reply to this petition is still not on record. Mr. Nishant Mankoo, who appears for the respondent does not, however, dispute the fact that the corpus of the dispute in the three cases is identical.

3. Nonetheless, in my opinion, different suits which deal with titular or possessory rights over the same property have necessarily to be heard by the same Court so as to avoid the possibility of conflicting



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decisions.

4. For the aforesaid reason, Civil Suit 183/2019 (*Indu Bala and Anr. v. Kokila Gupta and Anr.*), pending before the Court of learned Additional District Judge-03 (South-East), Saket District Courts is transferred to this Court. No orders of consolidation are being passed. It would be for either party, if they seek consolidation, to move the concerned Court in that regard, and a view on the said application, if moved, would be taken in accordance with law.

5. The Registry of the Saket District Courts is directed to take expeditious steps to transmit the record of Civil Suit 183/2019 (*Indu Bala and Anr. v. Kokila Gupta and Anr.*) from the Court of learned Additional District Judge-03 (South-East), Saket District Courts to this Court.

6. It is stated that Civil Suit 183/2019 is presently pending at the stage of evidence.

7. Consequent on transfer, let Civil Suit 183/2019 after it is renumbered by the Registry of this Court, be listed before the Joint Registrar on 16 May 2024.

8. This petition stands allowed in the aforesaid terms.

C.HARI SHANKAR, J

APRIL 8, 2024/yg

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