



2024:DHC:2600



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

+ **TR.P.(C.) 135/2023**

SMT TARUNA JAIN

..... Petitioner

Through: Mr. Shiv Charan Garg, Mr.
Imran Khan and Mr. Mihir Singhal, Advs.

versus

SMT POOJA GARG & ANR.

..... Respondents

Through: Ms. Deepika Mittal, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (O R A L)

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01.04.2024

1. Reply to this petition stands filed by Respondents 1 and 2.
2. Mr. Garg submits that no rejoinder is required to be filed.
3. By this petition, the petitioner seeks transfer of civil suit CS DJ 356/2023 (*Taruna Jain v. Praveen Garg*), presently pending before the learned Additional District Judge-02, Tis Hazari Court, Delhi to this Court, to be heard along with CS (OS) 478/2022 (*Pooja Garg v. Taruna Jain*).
4. Mr. Garg submits that the parties to both these suits are the same, and the suits deal with the same property, which is located at 19-B, Shakti Nagar, New Delhi-110007.
5. Ms. Mittal, who appears for the respondents, submits that

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learned counsel who has to argue this matter was waiting for this Court to take it up and has now left for an arbitration.

6. As the issue is brief, I have queried of Ms. Mittal as to whether she has any submission to make. She answers in the negative.

7. I have seen the reply filed by the respondents to this transfer petition. The respondents are merely pleading limitation, which relates to the merits of the litigation and has nothing to do with the aspect of transfer of the suit.

8. Apart from that, the only other contention in the reply is that the issue in CS DJ 356/2023 and CS (OS) 478/2022 are different.

9. There is no contest, therefore, to Mr. Garg's submission that two suits deal with the same property and are between the same parties.

10. Where there are different suits dealing with the same properties, it would be in the interests of justice that they are heard together so as to avoid conflicting orders. As this Court is competent to hear both the suits, whereas CS(OS) 478/2022 is outside the jurisdiction of the learned ADJ, it would be appropriate that CS DJ 356/2023 is transferred to this Court, as CS (OS) 478/2022 is pending before this Court.

11. I am not, however, making any observation with respect to



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consolidation of the suits. That would be an issue to be decided by the Court *in seisin* thereof.

12. For the above reasons, the present transfer petition is allowed.

13. Accordingly, CS DJ 356/2023 presently pending before the Court of learned ADJ, Tis Hazari Court, is transferred to this Court.

14. Subject to orders of Hon'ble the Judge In-Charge (Original Side), list CS DJ 356/2023 before the Bench which is seized of CS (OS) 478/2022. That Bench would take a decision as to whether the suits should, or should not, be consolidated.

15. It is stated that CS DJ 356/2023 is at the stage of filing of replication by the petitioner, who is the plaintiff in the suit.

16. Accordingly, list CS DJ 356/2023 before the Court which is seized of CS(OS) 478/2022 on 9 August 2024.

17. This petition is allowed accordingly.

C.HARI SHANKAR, J

APRIL 1, 2024

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