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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(C.) 170/2023 and CM APPL. 54114/2023**

YOGENDRA KUMAR ZONSA

.....Petitioner

Through: Mr.Rahul Sagar Sahay, Mr.Raghav
Rajmalani and Mr.Prince Kr. Singh,
Advocates.

versus

ASHOK SHARMA & ORS.

.....Respondents

Through: Mr.Bhupinder Mehtani, Advocate for
R-1 & 2. (Through VC) with
Ms.Kritika Mehtani and Mr.Siddharth
Mehtani, Advocates.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER
22.11.2024

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1. Heard learned counsel appearing on behalf of the parties.
2. The instant petition under Section 24 read with Section 151 of the Civil Procedure Code, 1908 has been filed by the petitioner seeking transfer of Arbtn. Case No.16/2020 titled as "*Sh. Ashok Sharma & Anr. v Sh. Yogender Kumar Zonsa & Ors*" pending before the Court of learned ADJ-01, (East), Karkardooma Courts, Delhi to the Court of Ld. ADJ-05, Central, Tis Hazari Courts, Delhi.
3. The facts of the case would indicate that award dated 13.06.2017 came to be passed in favour of the present petitioner and against some of the parties. Against the award dated 13.06.2017, some of the respondents



instituted proceedings under Section 34 of the Arbitration & Conciliation Act, 1996 [the Act] before the Court of ADJ-01, (East), Karkardooma Court, Delhi, whereas, other aggrieved parties instituted similar proceedings before the Court of ADJ-05, Central, Tis Hazari Courts, Delhi.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is the contesting party and has to attend both the proceedings to defend the award which was passed in his favour. He also submits that the proceedings under Section 34 of the Act in both the Courts are at the stage of arguments. Furthermore, he contends that under the facts of the present case, it would be in the interest of justice to transfer the proceedings pending before the Karkardooma Courts, Delhi to the, Tis Hazari Courts, Delhi for analogous hearing.

5. The aforesaid submission is vehemently opposed by learned counsel appearing on behalf of the respondents.

6. The Court takes note of the fact that the property in question is situated within the jurisdiction of Tis Hazari Courts, Delhi and the execution proceedings are also pending before the same Court.

7. Moreover, it is also observed that the proceedings initiated by the respondents herein under Section 34 of the Act appear to have been filed only on the basis of the residence of the Arbitrator which is situated in the jurisdiction of the Karkardooma Courts. However, it is also pertinent to note that the principal Arbitrator had been appointed by this Court.

8. Keeping in mind the facts involved in the instant case and similitude of the nature of proceedings pending in both Courts, this Court finds that it would be appropriate to transfer the Arbtrn Case no. 16/2020 which is pending before the Court of ADJ-01, (East), Karkardooma Courts, Delhi to



the Court of ADJ-05, Central, Tis Hazari Courts, Delhi. The same would better serve the interest of justice.

9. Accordingly, the instant petition is disposed of along with the pending application.

PURUSHAINDR KUMAR KAURAV, J

NOVEMBER 22, 2024

Nc/mjo