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

+ **TR.P.(C.) 117/2024**

SUMAN SEHGAL

.....Petitioner

Through: **Ms. Sangeeta Jain, Adv.**

versus

RISHI SEHGAL AND ORS

.....Respondents

Through: **Mr. Amarjeet Sahni, Mr. Gaurav Mahajan and Ms. Vanshika, Advs. for R-1.**

Mr. R. K. Wadhwa, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

01.10.2024

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1. Having heard learned counsel appearing for the parties and perusal of the record depicts that a case CIV 613419/2016 instituted by Raj Kumar Sehgal seeking declaration in respect of a purported Will dated 21.09.2005 is pending before the Court of Additional District Judge-06 (West), Tis Hazari Courts, Delhi, whereas, the Probate Case no. 42324/2016 at the instance of Rishi Sehgal seeking probate on the basis of Will dated 21.09.2005 is pending before the Court of Additional District Judge-05 Central THC Delhi.

2. Section 24 of the Code of Civil Procedure, 1908, on receipt of an application or of its own motion, after notice and hearing the parties, empowers the District Judge or High Court to transfer any suit, appeal or any other proceeding to any court subordinate to it and competent to try or



dispose of the same. In essence, the said provision empowers the District Judge or High Court to proactively intervene and transfer cases in the interest of justice and efficiency, even if no formal application for transfer has been filed, provided that valid grounds and principles are observed during the transfer process.

3. Looking at the nature of the controversy and the commonality of the issue involved and in the interest of justice, both the matters deserve to be heard together.

4. The Court, therefore, directs transfer of CIV 613419/2016 before the Court of Additional District Judge-05 Central THC, Delhi to be heard analogously.

5. Let the Registry to inform the concerned courts.

6. The petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

OCTOBER 1, 2024/P