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

+ **TR.P.(C.) 139/2024**

DR. S. THANGALAKSHMI

.....Petitioner

Through: **Mr.Kartik Malhotra, Adv.**

versus

DR. SENTHIL KUMAR DHARMAN

.....Respondent

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINdra KUMAR KAURAV

ORDER

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11.11.2024

1. The petitioner in the instant transfer petition seeks for transfer of Civil Suit bearing no. CS. 24/2023, pending before the Court of Principal Judge, Family Court, North-West District, Rohini Courts, Delhi to the Court of Principal Judge, Family Court, North District, Rohini Courts, Delhi.
2. Learned counsel appearing on behalf of the petitioner submits that he has filed the affidavit of service on the respondents.
3. The aforesaid statement is taken on record and the service is found to be complete. Despite completion of service, none appears on behalf of the respondent.
4. On consideration of the facts, it is seen that a Civil Suit bearing no. CS. 29/2024, at the instance of the respondent for declaration of title with respect to the same properties is pending at North District, Rohini Courts, Delhi.
5. Learned counsel for the petitioner further submits that apart from the



reason that another Civil Suit with respect to same properties is pending before North District, Rohini Courts, Delhi, an additional aspect for consideration is that the jurisdiction of the dispute lies with the North District, Rohini Courts, Delhi. He, therefore, submits that under some *bona fide belief*, the aforesaid Civil Suit was presented before the Family Court, North-West District, Rohini, Delhi.

5. Having considered the aforesaid submissions, the Court is of the opinion that when one of the Civil Suits with respect to the same properties, at the instance of the respondent is pending before the North District, Rohini Courts, Delhi, the interest of justice would be better served, if the present Civil Suit is also transferred to the same Court.

6. Accordingly, the Civil Suit bearing no. CS.24/2023 stands transferred to the North District, Rohini Courts, Delhi.

7. Let the matter be placed before the Principal District Judge, Family Courts, North District, Rohini Courts, Delhi for appropriate orders/directions.

8. Accordingly, the instant transfer petition stands allowed.

PURUSHAINDRA KUMAR KAURAV, J
NOVEMBER 11, 2024/MJ/DP