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

+ **TR.P.(C.) 14/2024**

KAMAL KISHORE (SINCE DECEASED) THROUGH HIS L.RS.

.....Petitioners

Through: Mr.Daljeet Dhiman, Advocate.

versus

SHAKUNTALA GULATI & ORS.

.....Respondents

Through: Mr.Udai Dhawan, Advocate.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

19.11.2024

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1. Heard learned counsel appearing on behalf of the parties.
2. The instant petition under Section 24 of CPC has been filed by the petitioners seeking transfer of CS/DJ / 1128/ 2019 titled as '*Kamal Kishore vs. Shakuntala Gulati*' pending before the Court of learned ADJ, Tis Hazari Court, Delhi to the Court of competent jurisdiction of East District, Karkardooma Courts, Delhi.
3. Learned counsel appearing on behalf of the petitioners submits that the relief sought is predominantly on the ground that the territorial jurisdiction of the dispute in question lies with East District, Karkardooma Courts, Delhi. In addition, he submits that a civil suit with respect to the same property filed by the opposite side has already been transferred to East District, Karkardooma Courts, Delhi.
4. Learned counsel for the petitioners contends that originally the



proceedings of his civil suit were adjourned *sine a die*. However, *vide* order dated 08.01.2018, the matter was revived and was directed to be taken up for consideration before the Central District, Tis Hazari Court, Delhi. He, therefore, contends that when the Court at Central District, Tis Hazari Court, Delhi, does not have territorial jurisdiction, the interest of justice would require to transfer the case to the court of competent jurisdiction.

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

6. I have considered the submissions made on behalf of the parties and also perused the record.

7. It is not disputed that the suit filed by other side has been transferred to the Court at East District, Karkardooma Courts, Delhi. It also remains undisputed that the property in question falls within the territorial jurisdiction of East District, Karkardooma Courts, Delhi.

8. In view of the aforesaid submissions and in the interest of justice, the suit bearing no. CS/DJ / 1128/ 2019 is transferred to the Court at East District, Karkardooma Courts, Delhi. Let the said matter be placed before the Principal District Judge, East District Karkardooma for assignment of the same before an appropriate competent Court.

9. Ordered accordingly.

10. The instant petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

NOVEMBER 19, 2024

Nc/mjo