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

% ***Date of Decision: 07th October, 2024***

+ **CM(M) 3561/2024 & CM APPL. 59024-59025/2024**

LEKH RAJ

.....Petitioner

Through: Mr. Lalit Kumar and Mr. Ayush
Kumar Singh, Advocate.

versus

RAM KISHAN (SINCE DECEASED) THR LRS

.....Respondent

Through: Mr. Amit Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. Legal representatives of Sh. Ram Kishan have filed an Execution Petition (Ex.P. No.1455/2023) which is presently pending consideration before the Court of learned Senior Civil Judge, South-East, Saket, Delhi.
2. One Mr. Lekh Raj has filed a Civil Suit (CJ/1230/2022) which is pending in the Court of learned Civil Judge-01, South-East, Saket.
3. The parties are admittedly same in both the matters, though, as already noticed above, one is Execution Petition and the other is a Civil Suit.
4. Facts remain that such Civil Suit seeks to aside the decree, pursuant to which the abovesaid Execution Petition has been filed.
5. A transfer application was moved before the learned Principal District & Sessions Judge, South-East, praying therein for consolidation and clubbing of both the above matters which request was opposed by the other side.



6. Fact remains, the abovesaid transfer application has been dismissed.
7. Such order is under Challenge.
8. Learned counsel for the respondent i.e. decree-holder has also joined the proceedings through Video-Conferencing.
9. Admittedly, the scope and ambit of the abovesaid two cases may be little different and, therefore, though the consolidation and clubbing may not be permissible, but in order to avoid any conflicting order, both these petitions i.e. abovesaid Execution Petition and Civil Suit can certainly be considered by one and the same Court.
10. To the abovesaid extent, Mr. Amit Gupta, learned counsel for the respondent herein also has no objection.
11. Accordingly, with the consent of both the sides, the present petition is hereby allowed and the abovesaid Civil Suit is directed to be transferred to the Court of learned senior Civil Judge, South-East, Saket.
12. The petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

OCTOBER 7, 2024/ss