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

+ **TR.P.(C.) 16/2023, CM APPL. 47965-47966/2023**

RAJESH GARG

.....Petitioner

Through: Ms. Kanchan Semwal and Mr.
Aman Dhyani, Advocates.
Mob- 9650279943

versus

RAJANI SINGHAL & ORS.

.....Respondents

Through: Mr. Noor Alam, Advocate for R-4
to 9
Mr. Ajeet Shukla, Advocate for R-
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CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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09.12.2025

1. By virtue of the present petition, the petitioner seeks transfer of suit bearing CS DJ No.9559/2016 entitled “**Smt. Rajni Singhal vs. MCD & Ors.**” pending before the learned Additional District Judge-02, South-East District, Saket Courts, Delhi to this Court, to be tried with Test. Case No.7/2011 entitled “**Sh. Rajesh Garg vs. State & Ors.**”, CS (OS) No.1638/2009 entitled “**Sh. Ram Niwas vs. Sh. Jyoti Prasad & Ors.**” and CS (OS) No.282/2019 entitled “**Sh. Jyoti Prasad vs. Ram Niwas**” in order to avoid conflicting judgments.

2. It is brought to the notice of this Court that the parties are engaged in the following litigations:



S.NO.	CASE	SUMMARY	NDOH
1.	<i>Rajesh Garg vs. State & Ors</i> <i>Test case No. 7/2011</i> <i>filed in High Court</i> (Lead Case)	<i>This case pertains to probate of Will executed by father (Sh. Jyoti Prasad).</i>	18.12.2025
2.	<i>Ram Niwas vs. Rajesh Garg & Ors</i> <i>Case No. 261/2007</i> <i>filed in Tis Hazari Court</i>	<i>This suit was filed by Ram Niwas for stopping the construction in Property No. 349 (49) Badarpur, New Delhi-110044.</i> <i>This property is owned by Sh. Jyoti Prasad and it was being constructed by father through his son Rajesh Garg (Petitioner herein).</i> <i>Construction stayed by MCD and it is continuing till date.</i>	18.12.2025
3.	<i>Jyoti Pd vs. Ram Niwas</i> <i>Case No. 243/2008</i> <i>filed in Tis Hazari court</i>	<i>Suit for eviction of Ram Niwas from the property No. 88 Badarpur, New Delhi-110044 filed by his father Sh. Jyoti Prasad.</i>	18.12.2025
4.	<i>Ram Niwas vs. Jyoti Pd</i> <i>CS(OS) No.1638/2009</i> <i>filed in High Court</i>	<i>Suit for partition of properties owned by Sh. Jyoti Prasad.</i>	18.12.2025
5.	<i>Rajani Singhal vs. MCD & Ors</i> <i>CS DJ 9559/2016</i> <i>filed in Saket Court</i>	<i>This case has been filed by the Rajani Singhal (daughter of Jyoti Prasad) for cancellation of Gift Deed executed by Sh. Jyoti Pd in favour of his son Manoj Kumar</i>	18.12.2025



		Garg. The Gift Deed in question is a part of Will.	
6.	<i>Rajesh Garg vs. MCD Commissioner & Ors CM(M) 1841/2023</i>	<i>The right to cross examination of Petitioner herein was closed in CS DJ 9559/2016. This case was filed for stay of proceedings in CS DJ 9559/2016 and also to seek another opportunity for the Petitioner to cross examine the witness.</i>	06.05.2026

3. Based on the above, learned counsel for the petitioner submits that Case No.261/2007 *inter se* the parties instituted in Tis Hazari Courts, Delhi has already been transferred to this Court and tagged alongwith Test Case No.7/2011, identified as the lead matter, *vide* order dated 29.05.2013 passed by this Court. Similar is the position *qua* Case No.243/2008, which has also been transferred from the Tis Hazari Courts, Delhi to this Court *vide* order dated 01.10.2019. In fact, CS(OS) No.1638/2009 pending before this Court has also been tagged alongwith the said Test Case No.7/2011 *vide* order dated 02.04.2018.

4. Perusal of the record shows that all respondents have been served in the present petition. However, there is no appearance on behalf of the respondent nos.1 to 3.

5. Learned counsel for the respondent no.10 submits that there is no *bona fide* reason for seeking transfer in the present petition, as there is no scope of conflicting judgements in the present matter.

6. Under the circumstances involved, wherein as many as four litigations have already been consolidated and are pending before this



Court, as also since Test Case No.7/2011 is pertaining to a Will executed by one Sh. Jyoti Prasad, and CS DJ No.9559/2016 for which the present petition has been filed is in relation to a Gift Deed executed by the very same Sh. Jyoti Prasad, which is allegedly forming a part of the very same Will involved in the said Test Case No.7/2011, this Court is of the view that it would be in the interest of justice, as also that of the parties involved that the present transfer petition is allowed.

7. As such, the suit bearing CS DJ No.9559/2016 entitled “**Smt. Rajni Singhal vs. MCD & Ors.**” is transferred from the Court of the learned Additional District Judge-02, South-East District, Saket Courts, Delhi to this Court, to be tried with Test. Case No.7/2011 entitled “**Sh. Rajesh Garg vs. State & Ors.**”, with a direction to commence the proceeding(s) therein from the same stage as at present before the learned ADJ.

8. The learned Additional District Judge-02, South-East District, Saket Courts, Delhi is directed to send the entire record pertaining to the suit bearing CS DJ No.9559/2016 entitled “**Smt. Rajni Singhal vs. MCD & Ors.**” to this Court

9. A copy of the present order be sent to the learned Additional District Judge-02, South-East District, Saket Courts, Delhi for information and compliance.

10. Accordingly, the present transfer petition is allowed and disposed of.

SAURABH BANERJEE, J

DECEMBER 9, 2025/So