



\$~91 & 92

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

+ TR.P.(C.) 66/2025

SANATAN DHARAM SABHA NIZAMUDDIN (REGD.)

.....Petitioner

Through: Mr. S. Santanam Swami Nandhan
with Mr. Darsh Bansal, Advocates.

versus

SUSHIL MALIK & ORS.

.....Respondents

Through: Mr. Virender Goswami with Ms.
Swati Goswami, Ms. Parkhi Singh
and Mr. Vedang Upadhayay,
Advocates.
Ms. Shilpa Ohri, Advocate for MCD.

+ TR.P.(C.) 67/2025

SANATAN DHARAM SABHA NIZAMUDDIN (REGD.)

.....Petitioner

Through: Mr. S. Santanam Swami Nandhan
with Mr. Darsh Bansal, Advocates.

versus

SUSHIL MALIK & ORS.

.....Respondents

Through: Mr. Virender Goswami with Ms.
Swati Goswami, Ms. Parkhi Singh
and Mr. Vedang Upadhayay,
Advocates.
Ms. Shilpa Ohri, Advocate for MCD.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

25.04.2025

%

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 01/05/2025 at 16:15:46



CM APPL. 24185/2025 in TR.P.(C.) 66/2025

CM APPL. 24225/2025 in TR.P.(C.) 67/2025

Exemptions allowed, subject to just exceptions.

The applications stand disposed-of.

TR.P.(C.) 66/2025

TR.P.(C.) 67/2025

By way of the present petitions filed under section 24 of the Code of Civil Procedure 1908 ('CPC'), the petitioner seeks transfer of CS DJ No.612313/2016 titled *Sushil Malik & Ors. vs. Jai Bhagwan & Ors.* and CS DJ No. 609945/2016 titled *Sushil Malik & Ors. vs. Shyam Sunder & Ors.* from District Judge, Tis Hazari Court, Delhi to South East District, Saket Courts, Delhi.

2. Mr. S. Santanam Swami Nandhan, learned counsel appearing for the petitioner draws attention to order dated 19.11.2024 appended as Annexure P-7 to the transfer petitions, which records as follows :

"Matter is at the stage of final arguments.

"It is submitted by Ld counsel for the plaintiff as well as Ld Counsel for all the defendants that the suit property is situated at Nizamuddin West and does not fall within the jurisdiction of this court. It is submitted by Ld counsel for the plaintiff that in order to rule out any technical objection at the later stage since this fact has come to the notice of Ld counsel for the plaintiff before advancing arguments on the present suit he would be filing an appropriate application seeking transfer of the preset matter to the appropriate court having justification of the suit property."

3. Mr. Nandhan points-out, that the aforesaid suits were filed in 1992 and 1995 respectively before this court; however subsequently, by

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 01/05/2025 at 16:15:46



reason of revision of the pecuniary jurisdiction of this court, the suits were transferred to the learned District Court in Tis Hazari, Delhi.

4. Mr. Nandhan submits, that the temple property bearing No. G-18A, Nizamuddin (West), New Delhi to which the dispute relates, is situate within the territorial jurisdiction of the now bifurcated District Courts at Saket, South-East, New Delhi.
5. Counsel states, that it is in this backdrop that the petitioner is seeking transfer of the suits to the learned District Court having territorial jurisdiction, in order to obviate any subsequent objection in terms of section 21 of the CPC.
6. The submissions made are borne-out from the record.
7. Issue notice.
8. Mr. Virender Goswami, learned counsel appears on behalf of respondent Nos.1 to 5 on advance copy; accepts notice; and submits, that they have no objection to the plea for transfer being allowed.
9. Counsel also submits, that the other respondents in the matter also have no objection to such transfer as has already been recorded in order dated 19.11.2024 by the learned District Judge, Tis Hazari Court, Delhi.
10. Upon a conspectus of the foregoing, it is not considered necessary to await service on the other respondents; nor is it necessary to call for a reply to the present petitions.
11. The transfer petitions are accordingly allowed, thereby directing that CS DJ No.612313/2016 and CS DJ No. 609945/2016 be transferred *from* the court of the District Judge, Tis Hazari, Delhi *to* the court of the Principal District Judge, Saket, South East, Delhi to be marked to

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 01/05/2025 at 16:15:46



the appropriate court within that territorial jurisdiction, in accordance with law.

12. Let the needful be done within 02 weeks.
13. Petitions stand disposed-of.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

APRIL 25, 2025
ds

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 01/05/2025 at 16:15:46