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

+ **TR.P.(C.) 74/2024**

SH. SHIV SHANKAR SAINI

.....Petitioner

Through: Mr. Sunil Dutt Dixit and Mr. Sumit
Rajput, Advocates.

versus

SH. DHAN RAJ & ORS.

.....Respondents

Through: Mr. Sagar Kukreja, Advocate for R-1,
2 & 4.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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05.08.2025

CM APPL. 3696/2025

By way of the present application filed under section 5 of the Limitation Act 1963 read with section 151 of the Code of Civil Procedure 1908 ('CPC'), respondents Nos.1, 2 and 4 seek condonation of about 96 days' delay in filing the reply to the transfer petition.

2. For the reasons stated in the application, which is duly supported by affidavit, the delay is condoned.
3. Reply to the transfer petition is taken on record.
4. The application is allowed and stands disposed-of.

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5. By way of the present petition filed under section 24 read with section 151 of the CPC, the petitioner seeks transfer of eviction petition bearing RC/ARC No.62/2016 titled "*Shiv Shankar Saini vs. Sh. Dhan*



Raj and Ors.” from the court of learned ACJ-CCJ-ARC, District North, Rohini Courts, Delhi to the court of learned Rent Controller, District North-West, Rohini Courts, Delhi.

6. Notice on this petition was issued on 07.05.2024.
7. Though respondent No.3 has still not been served, learned counsel appearing for respondents Nos.1, 2, and 4 submits that they are the main contesting respondents before the learned Rent Controller.
8. The court has heard learned counsel appearing for the petitioner, as well as learned counsel appearing for the contesting respondents.
9. Mr. Sunil Dutt Dixit, learned counsel appearing for the petitioner submits, that it has become necessary to seek transfer, since the eviction petition was filed in 2011 in District North, Rohini; but subsequently in February 2013, that judicial district was further subdivided into 02 districts i.e., North and North-West, by reason of which the matter is now required to be transferred to District North-West, which is the district of correct territorial jurisdiction.
10. Upon being queried, counsel explains that the matter continued in District North, Rohini until the respondents moved an application under Order VII Rule 11 read with Order VII Rule 10 of the CPC on 15.04.2024, whereupon the petitioner was advised to file the present petition in order to obviate any jurisdictional objection at a later stage.
11. Counsel submits that recording of evidence in the matter was almost complete; however subsequently, the respondents sought a further opportunity to lead evidence, and the matter is presently pending at that stage.



12. Learned counsel appearing for the respondents has raised only one objection, namely, that since the court of a Rent Controller is not a civil court, the provisions of section 24 of the CPC do not apply to the case; and that accordingly, this court cannot transfer the eviction proceedings as prayed-for in exercise of its powers under section 24 of the CPC.
13. In response to the said submission however, learned counsel for the petitioner has drawn attention to 02 judgments of Co-ordinate Benches of this court in ***Sh. Gajendra Kumar vs. Sh. Janak Raj now deceased through his LR Shivam Sharma & Anr.***¹ and ***Govind Vashisht vs. Tejpal and Ors.***² in which, on an almost identical fact situation, two Co-ordinate Benches have allowed transfer petitions relating to eviction petitions from one district to another, on similar grounds.
14. In the circumstances, and considering the stage of the proceedings, this court is persuaded to allow the present petition.
15. It is accordingly directed that Eviction Petition bearing RC/ARC No.62/2016 titled “*Shiv Shankar Saini vs. Sh. Dhan Raj and Ors.*” shall stand transferred *from* the court of learned ACJ-CCJ-ARC, *District North*, Rohini Courts, Delhi *to* the court of learned Rent Controller, *District North-West*, Rohini Courts, Delhi, within 02 weeks from today.
16. The petition is disposed-of in the above terms.

¹ Judgment dated 27.05.2022 in TR.P.(C) No.30/2022

² 2023 SCC Online Del 7930



17. Pending applications, if any, stand disposed-of.
18. It is made clear that the learned ARC, District North-West, Rohini Courts, Delhi shall proceed further with the matter from the stage at which the matter is received on transfer.

ANUP JAIRAM BHAMBHANI, J

AUGUST 5, 2025

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