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

+ **TR.P.(C.) 79/2024 & CM APPL. 27646/2024**

SH. GAURAV JAIN & ANR.

.....Petitioners

Through: Ms.Sheena Sukhija, Advocate
(Through VC)

versus

SMT. ASHA JAIN & ORS.

.....Respondents

Through: Mr.Rahul Garg, Advocate for R-5
(Through VC)

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

14.02.2025

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1. The present transfer petition has been filed under Section 24 of the Code of Civil Procedure, 1908 seeking transfer of Partition Suit Titled as "*Shree Ram Jain(Deceased) vs. Jugmandar Prasad Jain and ors*" bearing CS DJNo.612989 of 2016 pending before Additional District Judge(Central District), at Tis Hazari Courts, Delhi to this Court.
2. The petitioners have sought the transfer of the said suit on the ground that the petitioners have filed a probate petition in this Court bearing TEST. CAS/67/2014 for grant of probate.
3. Learned counsel for the petitioners submits that the suit for the partition and the probate are centre around the validity of the Will dated 20.03.2006, allegedly executed by Late. Smt. Sarbati Devi in favour of the petitioners. It is submitted that the subject matter in the suit for partition and the probate petition are same. As recorded in the



order dated 05.12.2024, the service upon the respondents is complete.

4. Mr.Rahul Garg, learned counsel for the respondent No.5 submits that the present petition has been filed only in order to delay the trial. It is submitted that the suit for partition is not based on the Will dated 20.03.2006.
5. In view of the submissions made by learned counsel for the parties, this Court considers that since in the suit for partition and the probate petition, the Will dated 20.03.2006 is under consideration, it would be desirable to withdraw the suit for partition titled as “*Shree Ram Jain (Deceased) vs. Jugmandar Prasad Jain and ors*” bearing CS DJ No.612989 of 2016 from the Court of the learned Additional District Judge (Central District), at Tis Hazari Courts, Delhi and transfer the same to this Court. The parties are directed to appear before the Registrar General of this Court on 24.02.2025.
6. Copy of the order be sent to the Registrar General of this Court for necessary compliance and for listing the matter before the Roster Bench.

DINESH KUMAR SHARMA, J

FEBRUARY 14, 2025

Dy/smg..