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

+ **TR.P.(C.) 88/2025**

VIVEKANANDA SENGUPTA

.....Petitioner

Through: Mr. S. K. Bhaduri with Mr. Prem
Prakash, Advocate alongwith the
petitioner in-person.

versus

STATE & ANR.

.....Respondents

Through: Mr. Priyadarshi Banerjee, Advocate
for R2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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09.07.2025

CM APPL. 31287/2025

Exemption allowed, subject to just exceptions.

The application stands disposed-of.

CAV 200/2025

Mr. Priyadarshi Banerjee, learned counsel has appeared for
respondent No.2 on advance copy; and has been heard in the matter.

2. The caveat is accordingly discharged.

TR.P.(C.) 88/2025

3. By way of the present petition filed under section 24 of the Code of
Civil Procedure 1908, the petitioner seeks transfer of petition bearing
MHA No.04/2024 titled "*Vivekananda Sengupta vs. The State & Ors.*"
from the court of learned District Judge-I, South-East District, Saket
Courts, New Delhi to the court of learned District Judge, South
District, Saket Courts, New Delhi.



4. Mr. S. K. Bhaduri, learned counsel appearing for the petitioner submits that the transfer of MHA No.04/2024 has been necessitated by reason of what has been recorded in orders dated 16.04.2025 and 28.04.2025 made by the learned District Judge, South-East District, Saket Courts, New Delhi, which orders read as follows:

Order dated 16.04.2025

“4. Ld. Counsel for petitioner submits that initially the present petition was filed in South District and was decided by the Ld. Principal District and Sessions Judge, South District vide order and judgment dated 04.08.2018. It is further submitted that the present case has been filed for revival of MHA No. 5804/2016. Ld. Counsel for petitioner seeks some time to take instructions as to how to proceed with the present matter.”

Order dated 28.04.2025

“1. It is submitted by Ld. Counsel for petitioner that this petition was originally filed in 2010 in Patiala House Courts and was later transferred to the South District. It is further submitted that thereafter the South East District was formed and the underlying petition was decided by the Ld. Principal District & Sessions Judge, South District, Saket Courts, New Delhi on 04.08.2018 and that since this petition is for revival of MHA NO.5804/16, the petitioner has moved the application before the Hon’ble High Court of Delhi for appropriate orders.

2. In view of same, list for 16.07.2025.”

5. Issue notice.
6. Since respondent No.1 is the State and is a pro-forma party, it is not necessary to await their presence.
7. Mr. Priyadarshi Banerjee, learned counsel appears on behalf of respondent No.2 on advance copy; and accepts notice.



8. Opposing the relief prayed-for in the transfer petition, Mr. Banerjee has made the following submissions:
 - 8.1. That upon bifurcation of the districts as between the South District and the South-East District in Saket Courts, the correct court of territorial jurisdiction in respect of the subject property would be South-East District; and
 - 8.2. That, as is evident from a perusal of orders dated 16.04.2025 and 28.04.2025, the only ground on which the learned District Judge, South-East District, Saket Courts, New Delhi has declined to entertain the revival petition (MHA No.04/2024) is because the earlier petition (MHA No.5804/2016) was disposed-of *vide* judgment dated 04.08.2018 by the then District Judge, South District, Saket Courts, New Delhi.
9. Upon a conspectus of the circumstances obtaining in the matter, and especially the fact that as of date the correct court of territorial jurisdiction is the court of the learned District Judge, South-East District, Saket Courts, New Delhi, this court is not inclined to allow this transfer petition.
10. It is clarified that the learned District Judge, South-East District, Saket Courts, New Delhi shall proceed to decide the petition seeking revival of MHA No.5804/2016, and thereafter proceed with the matter in accordance of law.
11. As prayed-for by learned counsel appearing for respondent No.2, the learned District Judge, South-East District, Saket Courts, New Delhi would also consider the plea raised by respondent No.2, *viz.*, that since the Mental Health Act 1987 (under which MHA No.5804/2016 was



initially filed) has since been repealed and has been replaced by the Mental Healthcare Act 2017, under which statute – the repealed statute or the new statute – would the matter now proceed.

12. The transfer petition stands disposed-of in the above terms.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 9, 2025

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