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

+ **TR.P.(C.) 198/2023**

DHARAM CHAND SANKHLA

.....Petitioner

Through: Mr. Anil Sharma, Mr. Amit Sharma
and Mr. Anant Sharma, Advocates.

versus

PREM CHAND SANKHLA & ANR.

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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09.12.2025

1. By virtue of the present petition under *Section 24* of Code of Civil Procedure, 1908 (*CPC*), the petitioner seeks transfer of Civil Suit No. 855/2022 entitled “***Prem Chand Sankhla vs. Dharam Chand Sankhla***”, presently pending before the learned A.D.J.-04 (North) Rohini Courts, Delhi to this Court.

2. It is the case of the petitioner that he had instituted a civil suit against the respondent herein being CS(OS) No. 331/2016 entitled “***Dharam Chand Sankhla vs. Prem Chand Sankhla & Ors***”, which is currently pending adjudication before this Court, seeking the following reliefs:

“(a) *pass a preliminary decree of Partition in respect of the suit property No.1183/1, Dr. Mukharjee Nagar, Delhi measuring 80 sq. yds., more particularly shown in colour red in the site plan attached; in favour of the plaintiff and against the defendant no.1 as per their respective shares in the suit property;*



(b) appoint a Local Commissioner to suggest the mode of partition of the suit property i.e. 1183/1, Dr. Mukhjarjee Nagar, Delhi measuring 80 sq. yds. more particularly shown in colour red in the site plan and if the suit property is not partitionable by metes and bounds, then necessary orders for sale of the suit property be passed and the sale proceeds so received after sale, may kindly be ordered to be divided amongst the plaintiff and defendant no.1, as per their respective shares;

(c) Pass a final decree of partition in favour of the plaintiff and defendant no.1 in accordance with. the provisions of law to the extent of share in respect of the suit property i.e. 1183/1, Dr. Mukhjarjee Nagar, Delhi measuring 80 sq. yds. More particularly shown in colour red in the site plan to' the extent of his share as have been shown in-the red colour in the site plan annexed;

(d) Pass a decree of possession in favour of plaintiff and on the basis of final decree he may be given/put in physical possession of the suit property i.e. 1183/1, Dr. Mukhjarjee Nagar, Delhi measuring 80 sq. yds. more particularly shown in colour red in the site plan, to the extent of his share;

(e) Pass a decree for recovery: of damages of Rs.6,00,000/- (Rupees Six Lacs) along with pendente-lite and future interest @ 18% p.a. in favour of plaintiff and against the defendant no.1 w.e.f. 01.07.2015 to 30.06.2016 @ Rs.50,000/- per month;

(g) Pass a decree of damages/mesne profits @ Rs.50,000/- or at any other higher rate as deem-fit and proper after holding an enquiry under Order 20 Rule 12 CPC w.e.f. 01.07.2016 till the possession of 'the 50% share in' the suit property is handed over to the plaintiff;



(h) *Pass a decree of Permanent. Injunction in favour of the plaintiff and against the defendants, whereby restraining the defendants, their agents, attorney, assigness, representatives, etc. from selling, transferring, alienating, letting out, mortgaging, parting with possession and/or creating third party interest in the suit property i.e. 1183/1, Dr. Mukhjarjee Nagar, Delhi measuring 80 sq. yds. more particularly shown in colour red in the site plan on the basis of G.P.A. dated 19.06.1986 in the name of defendant no.2 or in any manner whatsoever by the defendants;*

(i) *Cost of the suit may also be awarded' to the Plaintiff and against the Defendants"*

3. Subsequently, the respondent no.1 instituted another civil suit being CS No. 855/2022 entitled "**Prem Chand Sankhla vs. Dharam Chand Sankhla**" against the petitioner herein before the Rohini Courts qua the very same property involved in the earlier suit. The same is also currently pending adjudication and the following reliefs have been sought therein:

"i) *pass a decree of specific performance in favour of the Plaintiff and against the Defendant thereby directing the defendant to perform his obligation in pursuance of his undertaking/writing dated 30.5.2006 and to execute the transfer documents in favour of the Plaintiff qua the half share of the suit property i.e. built up property bearing no.1183, Dr.Mukherjee Nagar, Delhi-110009 in favour of the plaintiff before the concerned office of Sub Registrar, after completing all the formalities as per law, in the interest of justice;*

ii) *pass a decree of declaration in favour of the Plaintiff and against the Defendant thereby declaring that the registered receipt dated 19.6.1986, Will dated 19.6.1986, Indemnity Bond dated 19.6.1986, agreement to sell propounded by the Defendant in favour of himself and*



the Plaintiff, allegedly executed by Smt. Sudershan Kumari and Shri Roshan Lal qua the suit property as well as Corrigendum dated 22.12.1996, propounded by the Defendant qua the suit property, as null, void being fabricated and manipulate done and that the same do not confer any right, title or interest in favour of the Defendant in any manner qua the suit property;

iii) pass a decree of permanent injunction in favour of the Plaintiff and against the Defendant thereby restraining him, his family members, associates, attorneys, representatives, contractors etc. from selling, transferring and creating third party interest in the suit property i.e. builtup property bearing no.1183 Dr .Mukherjee Nagar, Delhi-110009 in any manner in favour of any other person except the Plaintiff, in the interest of justice;

(iv) Award cost of the suit in favour of the Plaintiff and against the Defendant.”

4. Though there is no appearance on behalf of the respondents, however, based on their written synopsis, it is evident that there is no substantial opposition which should be taken into consideration while disposing of the present transfer petition. The best defence taken is that the petitioner is trying to delay the disposal of civil suit being CS No. 855/2022, as also since the cause of action(s) in both the aforesaid cases are different.

5. As evident from the prayers, quoted hereinabove, sought in both the suits, the aforesaid proceedings *inter se* the parties are emanating from same cause of action inasmuch as both of them are relating to property bearing number 1183, Dr. Mukherjee Nagar, Delhi-110 009. Considering that, there are more than one chance that the parties/ the witnesses



involved as also the documents involved, there is every likelihood that the same can give rise to conflicting and contradictory findings by two different Courts.

6. As such, it would be in the interest of justice as also of the parties the present transfer petition is allowed and Civil Suit No. 855/2022 entitled “**Prem Chand Sankhla vs. Dharam Chand Sankhla**”, presently pending before the learned A.D.J.-04 (North) Rohini Courts, Delhi is transferred to this Court, for commencing the proceeding(s) thereof from the stage at which it was before.

7. The learned District Judge (North), Rohini Courts, Delhi is directed to send the entire record pertaining to Civil Suit No. 855/2022 entitled “**Prem Chand Sankhla vs. Dharam Chand Sankhla**” to this Court.

8. A copy of the present order be sent to the learned Principal District and Sessions Judge, Rohini Courts, Delhi for information and compliance.

9. The registry, upon receiving the matter, is directed to list the Civil Suit No. 855/2022 entitled “**Prem Chand Sankhla vs. Dharam Chand Sankhla**” before the concerned bench wherein the CS (OS) No. 331/2016 entitled “**Dharam Chand Sankhla vs. Prem Chand Sankhla & Ors**” is presently pending.

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

SAURABH BANERJEE, J

DECEMBER 9, 2025/NA