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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ TR.P.(C.) 145/2025, CM APPL. 49765/2025-For clubbing of suits
CM APPL. 49766/2025-Exp

MOHD SHAHID

.....Petitioner

Through: Ms. Tejaswini Verma and Mr.
Ashish Bhardwaj, Advs.

versus

MOHD. SHAMIM & ORS.

.....Respondents

Through: Mr. Diwan Singh Chauhan, Adv.
for R-1 and 2

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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14.08.2025

1. By virtue of the present petition under Section 24 of Code of Civil Procedure, 1908 (**CPC**), the petitioner seeks the following reliefs:

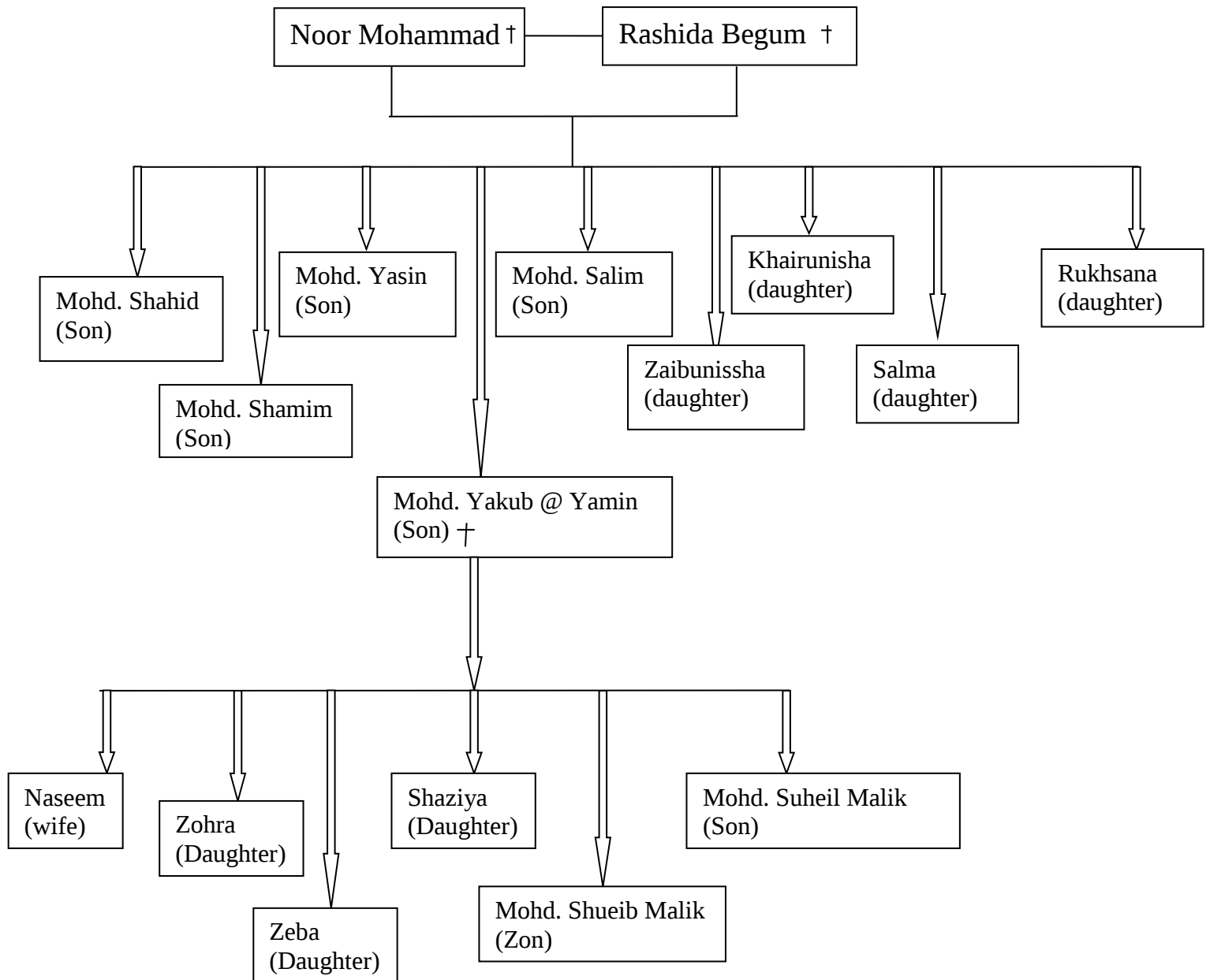
“(A)(i) CS DJ 116117, titled as "Mohd. Shahid Vs Mst. Zaibunishha & Ors., pending in the court of Ms. Gomati Manocha, DJ-02 (N/E), KKD Courts, Delhi, and (ii) CS No.4456/2015, titled as "Nazreen Malik Vs Mohd. Shahid, pending in the court of Sh. Ajay Kumar Malik, JSCC/ ASCJ/GJ (N/E), KKD Courts, Delhi may be withdrawn from the respective Hon'ble Courts mentioned above and may be assigned and transferred to the court of Shri Dharmender Singh, DJ-01, THC (West), Delhi for being tried along with Civ DJ 12345/2016, titled as "Mohd. Shamim Malik Vs Mohd. Shahid & Ors.", and Counter Claim No.40/2023, titled as "Mohd. Shahid Vs Mohd. Shamim Malik".

(B) Any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also be passed.”

2. At the outset, in compliance of the order passed by this Court



yesterday, learned counsel for the petitioner has handed over a pedigree chart of Late Noor Mohammad in Court today, which is reproduced herein as under:-



3. She submits the petitioner and respondents herein are descendants of Late Noor Mohammad except the respondent no.2-Mst. Nazreen Malik, who is the daughter in law of Late Noor Mohammad. She further submits



that the parties herein have been litigating qua the various properties left behind by Late Noor Mohammad, before various Trial Courts.

4. Along with the aforesaid chart, she has also handed over a tabular representation depicting the status of the parties in cases pending before the respective learned Trial Courts as also before this Court in the present petition, which is reproduced herein as under:-

S. NO.	NAME AND STATUS OF THE PARTY IN PRESENT PETITION	STATUS IN CS DJ 116/17 { <u>SUIT No. (i)</u> }	STATUS IN CS No.4456/2015 { <u>SUIT No. (ii)</u> }	STATUS IN Civ DJ 12345/2016 { <u>SUIT No. (iii)</u> }	STATUS IN COUNTER CLAIM No.40/2023 { <u>SUIT No. (iv)</u> }
1.	Mohd. Shahid (Petitioner)	Plaintiff	Defendant	Defendant No.1	Counter Claimant
2.	Mohd. Shamim (Respondent No.1)	Defendant No. 5	Not a party- Appeared as Plaintiff's Attorney	Plaintiff	Opposite Party
3.	Nazreen Malik (Respondent No.2)	Defendant No. 6	Plaintiff	Not a party	Not a party
4.	Mohd. Yasin (Respondent No.3)	Not a party	Not a party	Defendant No.3	Not a party
5.	Mohd. Yakub @ Yamin (deceased) through LRs. (Respondent No. 4)	Not a party	Not a party	Defendant No. 2	Not a party
6.	Mohd. Salim (Respondent	Not a party	Not a party	Not a party	Not a party



	No.5)				
7.	Zaibunisha (Respondent No. 6)	Defendant No. 1	Not a party	Not a party	Not a party
8.	Khairunisha (Respondent No. 7)	Defendant No. 2	Not a party	Not a party	Not a party
9.	Salma (Respondent No. 8)	Defendant No. 3	Not a party	Not a party	Not a party
10.	Rukhsana (Respondent No. 9)	Defendant No. 4	Not a party	Not a party	Not a party

5. She submits that though the suit no.(i) as stated hereinabove was instituted in the year 2013, however, suit nos.(iii) and (iv) were instituted thereafter only in the years 2015 and 2023 respectively, are already being tried together and they encompass all the properties of Late Noor Mohammad involved therein thus, it would be in the interest of all concerned if the suit nos.(i) and (ii) i.e. being CS DJ 116/17, titled '**Mohd. Shahid vs. Mst. Zaibunishha & Ors.**', and CS No.4456/2015, titled '**Nazreen Malik vs. Mohd. Shahid**' respectively, pending before the Karkardooma Courts, Delhi are transferred to the concerned Court in Tis Hazari Courts, New Delhi where the suit no.(iii) i.e. Civ DJ 12345/2016, titled '**Mohd. Shamim Malik vs. Mohd. Shahid & Ors.**' and suit no. (iv) being Counter Claim No.40/2023, titled '**Mohd. Shahid vs. Mohd. Shamim Malik**' are pending.

6. Issue notice.

7. Mr. Diwan Singh Chauhan, learned counsel for the respondent nos.1 and 2 appearing on advance service accepts notice. He further submits that he has no objection if the present petition is allowed and the



suits instituted *inter se* the parties are consolidated before one Court.

8. Considering the nature of the disputes involved and the involvement of the parties, who are siblings, barring the respondent no.2 herein i.e. Mst. Nazreen Malik, as she is the daughter in law of Late Noor Mohammad, the parties involved in them are the same. Moreover, the issues arising for consideration in suits nos.(i), (ii), (iii) and (iv) are also the same. Thus, this Court is of the considered view that it would be fruitful to direct for a singular Court to hear and adjudicate all the said suits. As such, in the interest of justice the suit nos.(i), (ii) and (iv) are all transferred to the Court where the suit no.(iii) is pending for they being tried and adjudicated together, more so, since it encompasses all the properties left behind by Late Noor Mohammad, whose properties are the subject matter in all the disputes involved.

9. For the reasons stated, and considering the nature of the disputes involved, especially since the dispute is pertaining to the siblings, in the opinion of this Court, there is no requirement of issuance of notice to respondent nos.3 to 9, and the same can be dispensed with.

10. At this stage, learned counsel for the parties also submit that another suit being Civ DJ 932/2018 titled '**Modh. Shahid v. Modh. Yasin & Ors.**', i.e. suit no.(v), which is a suit for partition filed by the petitioner, is also pending consideration before the Tis Hazari Courts against the respondents herein, except respondent no.2.

11. Taking into account the factual matrix involved and the peculiar facts and circumstances involved, especially to save the time and effort of the Trial Court(s), it would be in the interest of justice, if the aforesaid suit no. (v) is also transferred to the same Court where suit no.(iii) is pending



under *Section 24(1)(b)(ii)* of the Civil Procedure Code, 1908 to be tried and adjudicated by the very same Court along with the other pending suits *inter se* the parties herein.

12. As such, the present petition is allowed and the suits being CS DJ 116/17, titled '**Mohd. Shahid vs. Mst. Zaibunishha & Ors.**', and CS No.4456/2015, titled '**Nazreen Malik vs. Mohd. Shahid**' respectively, pending before the Karkardooma Courts, Delhi, are withdrawn and assigned to the same Court where suit no.(iii) is pending in Tis Hazari Courts, Delhi.

13. In these circumstances the concerned Judge in Karkardooma Courts, Delhi is directed to send the entire record of the aforesaid cases to the Court where suit no.(iii) is pending in Tis Hazari Courts, Delhi.

14. Additionally, the concerned Judge in Tis Hazari Courts, Delhi is directed to send the entire record of the case being Civ DJ 932/2018 titled '**Modh. Shahid v. Modh. Yasin & Ors.**' to the Court where suit no.(iii) is pending in Tis Hazari Courts, Delhi.

15. Accordingly, in view of the aforesaid, the present petition is allowed and stands disposed of.

16. A copy of the present order be sent to the Court of the learned District Judge, Karkardooma Courts, New Delhi and the learned District Judge, Tis Hazari, Delhi for information and compliance.

SAURABH BANERJEE, J

AUGUST 14, 2025/Ab