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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(C.) 208/2025, CM APPL. 73386/2025**

ROHNIT PHORE

.....Petitioner

Through: **Mr. Yashpal Rangi, Adv.**

versus

MUNICIPAL CORPORATION DELHI AND ORS.

.....Respondents

Through: **Mr. Anand Prakahs, SC with Ms. Varsha Arya and Mr. Satbeer, Adv. for R-1, 5 and 6**
Ms. Nitika Bhutani, Adv. for R-2 and 3
Mr. Balendu Shekhar, CGSC with Ms. Isha Kanth, GP, Mr. Rajkumar Maurya, Mr. Krishna Chaitanya and Mr. Divyansh Singh, Adv. for R-4

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
21.11.2025

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CM APPL. 73386/2025 (*Exemption*)

1. Allowed, subject to all just exceptions.
2. The present application stands disposed of.

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3. By virtue of the present petition, the petitioner seeks the transfer of



the Suit being CS no. 58646/ 2016 entitled “*Rohnit Phore vs MCD & Ors.*” pending before learned District & Sessions Judge (New Delhi District), Patiala House Court, Delhi (***learned Trial Court***) to Court of the learned District & Session Judge (Southwest District), Dwarka Court, New Delhi.

4. It is the case of the petitioner/ plaintiff that the Suit being CS no. 58646/ 2016 was initially instituted before this Court, however, since the same was beyond the pecuniary jurisdiction, it was transferred to the learned Trial Court *vide* order dated 26.02.2016. Subsequently, respondent no.1/ defendant no.1 moved an application under *Order XIV rule 5* of the Code of Civil Procedure, 1908 (***CPC***) wherein an issue *qua* the territorial jurisdiction had been framed by the learned Trial Court, *vide* order dated 18.08.2025, with the consent of the learned counsel for the petitioner/ plaintiff and the matter was listed on 28.10.2025.

5. It is thereafter that the petitioner/ plaintiff has chosen to file the present petition seeking transfer to the Court having the appropriate territorial jurisdiction, primarily, pursuant to the inquiry as per order dated 18.08.2025, since the Head Quarters of respondent no. 1/ defendant no.1 does not fall under the territorial jurisdiction of the learned Trial Court.

6. It is too late in the day for the petitioner/ plaintiff to seek transfer, since it is almost more than *nine years* since the transfer of the suit from this Court. Further, it is learned counsel for the petitioner/ plaintiff, who has himself given a consent for framing of an issue on the aspect of territorial jurisdiction before the learned Trial Court, which goes into the very root of the matter. Moreover, the petitioner/ plaintiff does not dispute the same, and in fact relies upon the same to somehow wriggle out of it.



7. Even otherwise, the said issue qua territorial jurisdiction remains open and the petitioner/ plaintiff will have sufficient chance to not only lead his evidence qua that but also address arguments qua it.

8. As such, the present petition alongwith the pending application is dismissed.

SAURABH BANERJEE, J

NOVEMBER 21, 2025/Ab