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

+ **TR.P.(C.) 6/2025**

LAL CHAND PUBLIC CHARITABLE TRUSTPetitioner

Through: Ms. Meghna Mishra, Mr. Ankit Rajgarhia, Ms. RAshi Bajpayee, Ms. Yashodhara Gupta, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Rakesh Kumar, CGSC with Ms. Archana Surve, GP, Mr. Sunil, Adv. for UOI.
Ms. Arti Bansal, Addl. Standing Counsel with Ms. Shruti Goel, Adv. for MCD.
Ms. Farhat Jahan Rehmani, Addl. Standing Counsel with Mr. MohisFaridi, Mr. Faizan Khan, Advs. for R-3/DWB.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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24.01.2025

CM APPL. 4611/2025 (for mentioning the presence of R-1/UOI counsel name in order dt. 16.01.2025)

The present application has been filed under Section 151 read with Section 152 CPC for mentioning the presence of Mr. Rakesh Kumar, learned counsel (CGSC) for respondent No.1/UOI in order dated 16.01.2025.

Learned counsel submits that, although he appeared on earlier dates, his appearance was inadvertently not recorded.

Signature valid

Signed By: DINESH KUMAR SHARMA
Signing Date: 24.01.2025
19:42:57



Issue notice.

Learned counsel for the petitioner has accepted the notice and submits that he has no objection to the application.

It seems to be a typographical error.

Let the presence of Mr. Rakesh Kumar be marked and order dated 16.01.2025 be read as under:

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(C.) 6/2025**

LAL CHAND PUBLIC CHARITABLE TRUSTPetitioner
Through: **Mr. Ankit Rajgarhia, Ms. Rashmi Bajpayee and Mr. Yashodhara Gupta, Advocates**

versus

UNION OF INDIA & ORS.Respondents
Through: **Mr. Rakesh Kumar, CGSC for UOI. Ms. Arti Bansal, ASC with Ms. Shruti Goel, Advocate for R-2/MCD Ms. Farhat Jahan Rehmani, ASC with Mr. FaizanKha, Advocate for R-3/DWB**

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

% **ORDER**
16.01.2025

CM APPL. 2472/2025 (exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

TR.P.(C.) 6/2025

The present petition has been filed seeking transfer of the suit bearing CS SCJ no. 83415/2016 titled 'Lal Chand Charitable Trust vs. Union of



India & Ors.’ pending before the court of Ld. SCJ-cum-RC, South District Court, Saket, Delhi to Ld. SCJ-cum-RC, South-East District Court, Saket, Delhi.

Learned counsel for the petitioner submits that the suit pertains to a property located in GK-I, and now, after the bifurcation and establishment of new districts, the suit property falls within the jurisdiction of the South-East District. Learned counsel, therefore, submits that for proper adjudication to avoid any further complication, the case may be transferred from the South District to the South-East District.

Issue notice.

Ms. Arti Bansal, learned ASC accepts the notice on behalf of respondent no. 2/MCD. Ms. Farhat Jahan Rehmani, learned counsel accepts the notice on behalf of respondent no. 3/DWB.

Learned counsel of respondent no. 3 submits that the suit itself is not maintainable before the Civil Court and has to go to the Wakf Tribunal.

Upon consideration of the submissions, the Court considers that it cannot go into the question of jurisdiction in these proceedings. The question of jurisdiction has to be decided by the Civil Court. Therefore, without going into the merits of the case, CS SCJ no. 83415/2016 titled Lal Chand Charitable Trust vs. Union of India & Ors. is withdrawn from the court of learned SCJ-cum-RC, South District Court, Saket, Delhi and assigned to learned SCJ-cum-RC, South-East District Court, Saket, Delhi for trial in accordance with the law.

The transferor court is directed to send the entire record to the transferee court.

Copy of the order be sent to the learned Principal District and

Signature valid

Signed By: DINESH KUMAR

SHARMA

Signing Date: 11/02/2025
19:42:57



Sessions Judge, South and South-East district.

*Parties are directed to appear before the learned SCJ-cum-RC,
South-East District Court, Saket, Delhi on 28.01.2025.*

The present petition stands disposed of.

DINESH KUMAR SHARMA, J

JANUARY 16, 2025/N/HT”

In view of the above, the application stands disposed of.

DINESH KUMAR SHARMA, J

JANUARY 24, 2025/AR/NA