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

+ **TR.P.(C.) 7/2026**

ABHISHEK RASTOGI

.....Petitioner

Through: **Mr. Onkar Roy and Mr. Puneet Singh,**
Advocates.

versus

SACHIN SHARMA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **16.01.2026**

1. This hearing has been done through hybrid mode.

CM APPL. 3122/2026 (Exemption)

2. Allowed, subject to all just exceptions. The application is disposed of.

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3. The present petition under Section 24(1)(a) read with Section 151 of the CPC seeks the following prayers:

“a) Transfer Civil Suit No. 56991/2016 titled “Abhishek Rastogi vs. Sachin Sharma” from the Court of the Ld. District Judge-03, Patiala House Courts, New Delhi District, to the competent Court of South-West District, Dwarka Courts, New Delhi:

b) Pass such other or further orders as this Hon’ble Court may deem fit and proper in the facts and circumstances of the present case, in the interest of justice.”

4. Learned counsel for the petitioner submits that the CS No. 56991/16 i.e. the subject suit was filed before the Patiala House Courts, New Delhi, in the belief that the jurisdiction of the subject property falls within the village-Sagarpur, Delhi. It is submitted that prior to filing the said suit, an execution petition bearing no. 53721/16, had been filed by the respondent for execution



of Judgment/ Decree dated 26.02.2016 in CS No. 103/13, by way of which decree of possession was issued in the favour of the respondent with respect to the subject property allegedly belonging to the petitioner. It is the case of the petitioner that the latter was not made a party to the CS No. 103/13, therefore, he had filed objections in the execution petition and simultaneously, CS No. 56991/16 seeking cancellation of forged documents, clarification, possession and permanent injunction with respect to the subject property was filed. It is further submitted that during the pendency of the CS No. 56991/16, the learned Execution Court in the EX Civil 53721/2016 sought clarification regarding territorial jurisdiction of the subject property from SDM Dwarka and SDM Delhi Cantt. In pursuance to the above, SDM Dwarka submitted a report that the subject property falls within the Revenue Estate of Dabri, South-West District, Dwarka Delhi.

5. It is a matter of record that the respondent herein has already moved an application under Order VII Rule 10 before the learned Patiala House Courts, New Delhi as the respondent had preferred CS No. 103/13 with respect to the same subject property which had been decreed on 26.02.2016 by the Court of SCJ/RC, South-West District, Dwarka. It is the case of the petitioner himself that he had filed objections in the EX Civil 53721/2016 seeking execution of Judgment/ Decree dated 26.02.2016 in CS No. 103/2013. Thus, it is a matter of record that the petitioner very well knew that the suit had been filed with respect to the same subject property before the learned Dwarka Court but he chose to file the subject suit in the jurisdiction of learned Patiala House Courts. It is also stated in the list of dates of the present petition at serial no. 8 that in January 2016, the petitioner came to know about the CS No. 103/2013 filed by the respondent before the learned Dwarka Court, in the



following manner:-

8	January 2016	The petitioner came to know through the tenant that the respondent had already filed Civil Suit No. 103/2013 against the tenant and had moved an application under Order I Rule 10 CPC for impleadment of the petitioner, which was later dismissed without any notice to the petitioner.
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From the aforesaid it is reflected that an application under Order I Rule 10 was filed. However, at the time of arguments, learned counsel for the petitioner denied the same and submitted that the same had been stated inadvertently.

6. Be that as it may, application under Order VII Rule 10 filed on behalf of the respondent is pending before the learned Patiala House Courts, New Delhi. In view thereof, this Court is of the considered opinion that it is not a fit case to exercise jurisdiction under Section 24(1)(a) read with 151 of the CPC for transfer of CS No. 56991/2016 from New Delhi District, Patiala House Courts to South-West District, Dwarka Courts.

7. The application under Order VII Rule 10 shall be decided by the learned Patiala House Courts, New Delhi in accordance with law.

8. The present petition is dismissed and disposed of.

9. Pending application(s), if any, also stands disposed of.

AMIT SHARMA, J

JANUARY 16, 2026/bsr/sg