



\$~53

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

+ **TR.P.(C.) 17/2026**

BRAHM PRAKASH & ORS.

.....Petitioners

Through: Mr. Piyush Lakhanpal, Mr. Avinash
Kr. Lakhanpal, Advs.

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Gaganmeet Singh Sachdeva, SC
with Mr. Harshpreet Singh Chadha,
Mr. Hridyesh Khanna, Advs.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

17.03.2026

%

1. This hearing has been done through hybrid mode.
2. The present petition under Section 24 of the CPC seeks following prayers:-

“a) transfer Execution Petition No. 63049 of 2016 (Old No.35/2010) titled as Brahm Prakash and Others vs. MCD pending in the court of Ld. Civil Judge, West District , Tis Hazari Court to the Court of Ld. Civil Judge, Central District, Tis Hazari Court , Central Delhi. ;

b) pass such further order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

3. By way of the present petition, the petitioners are seeking transfer of Execution Petition No. 63049/2016 (Old No. 35/2010) pending in the Court of learned Civil Judge, West, Tis Hazari Courts, Delhi, to the learned Civil Judge, Central, Tis Hazari Courts, Delhi.
4. The subject execution petition was filed by the petitioners seeking



execution of judgment and decree dated 23.01.1995 passed in Civil Suit No. 358/1978 wherein, the learned Trial Court *vide* the said judgment was pleased to hold that the plaintiffs therein, including the present petitioners, who are in settled possession of the suit land, cannot be dispossessed from the same, without following the due process of law and the suit was decreed in favour of the present petitioners and the respondent authority was restrained from dispossessing them from the suit property. It is stated that during the pendency of the aforesaid execution petition on 31.01.2014, the same was transferred to learned Civil Judge, West District, Tis Hazari Courts and since then, the same has been pending in the said Court. It is further stated in the petition that the same was owing to some administrative reasons.

5. Learned counsel for the petitioners submits that till date no objection has been taken by the respondent-authority with respect to learned Civil Judge, West District, not holding the territorial jurisdiction to adjudicate upon the aforesaid execution petition. It is further the case of the petitioners that during the pendency of the aforesaid execution petition, the office of the respondent which was earlier situated in Town Hall, Chandni Chowk, Delhi has now shifted to Minto Road, New Delhi, which falls under the jurisdiction of learned Civil Judge, Central, Tis Hazari Courts. It is further submitted that, in the aforesaid execution petition, examination on behalf of the decree holder-petitioners has been concluded and two witnesses have been examined by the judgment debtor. It is further submitted that the petitioners in the execution petition have sought attachment of the furniture of the office of the respondent-authority, which was situated at Town Hall, Chandni Chowk and used to be under the jurisdiction of learned Civil Judge, Central District, Tis Hazari Courts.



6. It is further submitted that serious prejudice would be caused to the petitioners in case they now would have to file a fresh execution petition seeking execution of judgment and decree dated 23.01.1995, and therefore, the present petition has been preferred seeking the aforesaid prayers.

7. *Per contra*, learned counsel for the respondent/MCD has submitted that the present petition has been filed at a belated stage, and therefore, the subject execution petition may not be transferred.

8. Heard learned counsels for the parties and perused the record.

9. It is a matter of record that initially the subject execution petition was filed before the Court of learned Civil Judge, Central District, Tis Hazari Courts. During the pendency of the aforesaid execution petition on 31.01.2014, owing to the administrative reasons, the same was transferred to the Court of learned Civil Judge, West District, Tis Hazari Courts. Further during the pendency of the aforesaid execution petition, the office of the respondent-authority which was earlier situated at Town Hall, Chandni Chowk, Delhi, has now shifted to Minto Road, New Delhi, which falls under the jurisdiction of learned Civil Judge, Central District, Tis Hazari Courts, Delhi. Therefore, in these circumstances, to avoid undue hardship to the petitioners as they have sought attachment of furniture of the office of the respondent authority in the execution petition, it would be in interest of justice, that the same be transferred to the Court of learned Civil Judge, Central, Tis Hazari Courts, Delhi as new office of respondent is located within the territorial jurisdiction of the said Court.

10. In view of the above, the present petition is allowed and disposed of.

11. It is directed that Execution Petition No. 63049/2016 (Old No. 35/2010) pending in the Court of learned Civil Judge, West, Tis Hazari Courts, Delhi,



shall be transferred to the Court of the learned Civil Judge, Central, Tis Hazari Courts, Delhi. The said petition shall be proceeded from the stage, it is being transferred.

12. Let the records of Execution Petition No. 63049/2016 (Old No. 35/2010) pending in the Court of learned Civil Judge, West, Tis Hazari Courts, Delhi, be transferred to the aforesaid concerned Court within a period of 10 days.

13. Parties are directed to appear before the learned Civil Judge, Central, Tis Hazari Courts, Delhi, accordingly.

14. Copy of the order be sent to learned Civil Judge, West, Tis Hazari Courts, Delhi, and learned Civil Judge, Central, Tis Hazari Courts, Delhi, for necessary information and compliance.

15. Pending applications, if any, also stand disposed of accordingly.

16. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

MARCH 17, 2026/bsr/ns