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

+ **TR.P.(C.) 39/2026**

RAKESH KUMAR

.....Petitioner

Through: Mr. Shivender Gupta and Mr. Aman Singh, Advocates.

versus

SARASWATI DEVI

.....Respondent

Through: Ms. Vibha Walia, Advocate (through Vc).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **01.04.2026**

1. This hearing has been done through hybrid mode.
2. The present petition under Section 24 read with Section 151 of the CPC, seeks the following prayers: -

“a. Transfer the Misc DJ bearing No 62/2025 titled as "Saraswati Devi v. Rakesh Kumar" pending before the Ld. DJ-05, East District, Delhi to the Court of Sh. Gaurav, Ld. DJ-01, Shahdara District, Karkardooma Court, Delhi.

b. Pass any such order(s) as deemed fit in the facts and circumstances of the case.”

3. It is pointed out that *vide* judgment dated 01.04.2025 passed in CM(M) 3824/2024 titled as “*Rakesh Kumar v. Saraswati Devi*”, the learned Coordinate Bench of this Court transferred the Civil Suit No. 267/2023 titled as “*Saraswati Devi v. Rakesh Kumar*” from the Court of learned District Judge-05, East, Karkardooma Courts, to the Court of learned Principal District & Sessions Judge, Shahdara, Karkardooma Courts, where the suit



property was situated.

4. It is pointed out that MISC DJ 62/2025 titled as "*Saraswati Devi v. Rakesh Kumar*" had been registered separately, however, the same being ancillary in nature, under Order 39 Rule 2A of the CPC, should also be transferred where the main suit had been transferred.

5. It is pointed out by learned counsel for the respondent that the said suit has since been decreed by learned District Judge-01, Shahdara, Karkardooma Courts, and she has no objection if the present proceedings are also transferred to the said Court. Learned counsel for the petitioner also does not object to the said transfer.

6. In view of the above, it is directed that MISC DJ bearing No 62/2025 titled as "*Saraswati Devi v. Rakesh Kumar*" pending before Court of learned District Judge- 05, East District, Karkardooma Courts, Delhi, be transferred to the Court of learned District Judge-01, Shahdara District, Karkardooma Courts, Delhi. The same shall be proceeded from the stage, it is being transferred.

7. Let the records of, MISC DJ bearing No 62/2025 titled as "*Saraswati Devi v. Rakesh Kumar*", pending in the Court of learned District Judge- 05, East District, Karkardooma Courts, Delhi, be transferred to the aforesaid concerned Court within a period of 10 days.

8. Parties are directed to appear before the learned District Judge-01, Shahdara District, Karkardooma Courts, Delhi, accordingly.

9. Copy of the order be sent to learned District Judge- 05, East District, Karkardooma Courts, Delhi and learned District Judge-01, Shahdara District, Karkardooma Courts, Delhi, for necessary information and compliance.

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



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

AMIT SHARMA, J

APRIL 1, 2026/bsr/db