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

+ **TR.P.(C.) 73/2025 & CM APPL. 26133/2025**

DOVEE ARORA & ANR.

.....Petitioners

Through: Mr. Mudita Arora, Advocate (through
vc).

versus

STATE & ORS.

.....Respondents

Through: Mr. Lalitaksh Joshi and Ms. Minu
Kumari, Advocates for R-1/GNCTD.
Mr. Jitender Kumar Khullar,
Advocate for R-2 to 6 (through VC).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

15.05.2026

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

“a) Allow the present Transfer Petition; and

b) Transfer the Probate Case bearing PC No. 38/2023, titled “Anshika Sharma vs. The State & Ors.”, pending before Mr. Gaurav, Ld. District Judge, Shahdara District, Karkardooma Courts, Delhi.

c) Upon such transfer, direct the consolidation of the following three matters before a single competent Civil Court (as per pecuniary jurisdiction) in the North-East District, Karkardooma Courts, Delhi:

i. Civil Suit No. 183/2022, titled “*Dovee Arora vs. Sudesh Sharma & Ors.*”, pending adjudication before the Court of Shri Aashish Gupta, Ld. District Judge, North-East District, Karkardooma Courts, Delhi;



ii. Civil Suit No. 100/2023, titled “*Anshika Sharma & Ors. vs. Raj Kumar Sharma & Ors.*”, pending before the Court of Shri Manu Vedwan, Ld. District Judge, North-East District, Karkardooma Courts, Delhi;

iii. Probate Case No. 38/2023, titled “*Anshika Sharma vs. State & Ors.*”, pending before the Court of Shri Gaurav, Ld. District Judge, Shahdara District, Karkardooma Courts, Delhi.

d) Pass any such other or further orders as may be deemed just, expedient and necessary in the interest of justice.”

3. By way of the present petition, the petitioners are seeking transfer of Probate Case, PC No. 38/2023, titled as “*Anshika Sharma vs. The State & Ors.*”, pending before the learned District Judge, Shahdara District, Karkardooma Courts, Delhi, filed on behalf of respondent No.2-Anshika Sharma to the Court of learned District Judge, North-East District, Karkardooma Courts, Delhi, where two civil suits bearing nos. C.S. No. 183/2022 titled as “*Dovee Arora vs. Sudesh Sharma & Ors.*”, and C.S. No. 100/2023 titled as “*Anshika Sharma & Ors. vs. Raj Kumar Sharma & Ors.*” have been instituted on behalf of the petitioner No.1 and respondent no. 2, respectively.

4. It is stated that in the petition that the subject matter of both of the aforesaid suits and the Probate Case is the same. The subject suit property bearing no. A-260, Gali No. 15/1, Khasra No. 19/17 & 24, Ambika Vihar, Karawal Nagar, Delhi, was transferred by petitioner No.2 (Raj Kumar Sharma) to his wife Late Smt. Usha Bhardwaj by way of a Notarised General Power of Attorney, Notarised Agreement to Sell. It is further stated that Late Smt. Usha Bhardwaj executed a will dated 08.01.2019 in favour of respondent No.2 thereby bequeathing the aforesaid suit property. It is further stated that



Smt. Usha Bhardwaj passed away on 10.03.2022. Thereafter, petitioner No.1- Smt. Dovee Arora instituted a civil suit, C.S. No. 183/2022, titled as “Dovee Arora vs. Sudesh Sharma & Ors.”, seeking possession, permanent and mandatory injunction damages and mesne profits in relation to the subject suit property. The said suit is presently at the stage of plaintiff evidence.

4. The second suit, Civil Suit No. 100/2023, titled “Anshika Sharma & Ors. vs. Raj Kumar Sharma & Ors.”, pending before the Court of learned District Judge, North-East District, Karkardooma Courts, Delhi, was instituted by respondent No. 2-Anshika Sharma seeking declaration and permanent injunction in respect of will dated 08.01.2019 and the same suit property. It is further stated that the second suit is also at the stage of plaintiff evidence. Respondent No.2 thereafter filed a probate case which is presently pending before the learned District Judge, Shahdara District, Karkardooma Courts, Delhi.

5. It is the case of the petitioners that both the aforesaid suits as well as probate case pertains to the same immovable property bearing Municipal No. A-260, Gali No. 15/1, Khasra No. 19/17 & 24, situated at Ambika Vihar, Karawal Nagar, Delhi, which was transferred by petitioner No.2 in favour of his wife, Late Smt. Usha Bhardwaj through a series of documents. It is further submitted that all the aforesaid matters involve common parties and arise out of the same testamentary document, *i.e.*, Will dated 08.01.2019.

6. Learned counsel appearing on behalf of the respondents has entered appearance and filed a reply admitting that the present transfer petition has been filed to facilitate the consolidation and joint trial of the aforesaid 3 matters as they arise out of the same transaction and testamentary documents and pertain to same immovable property and involves common parties, and



overlapping questions and fact and law.

7. Learned counsel for the respondents further submitted that they have no objection, in case, the present petition is allowed and the Probate Case bearing no. PC No. 38/2023, titled “Anshika Sharma vs. The State & Ors.”, pending before the learned District Judge, Shahdara District, Karkardooma Courts, Delhi, filed on behalf of respondent No.2 is transferred to the Court of learned District Judge, North-East District, Karkardooma Courts, Delhi.

8. The probate case as well as aforesaid two civil suits pertains to the same subject property. The parties involved in all these cases are the same, and said cases arise out of common transaction and testamentary document.

9. In view thereof, the Probate Case bearing no. PC No. 38/2023, titled “Anshika Sharma vs. The State & Ors.”, pending before the learned District Judge, Shahdara District, Karkardooma Courts, Delhi, filed on behalf of respondent No.2-Anshika Sharma is transferred to the Court of learned District Judge, North-East District, Karkardooma Courts, Delhi. Let the records of the said Probate case be transferred to the concerned Transferee Court within a period of 10 days where the aforesaid suits are pending and all these cases be jointly tried. Parties are directed to appear before the concerned Court accordingly. The said petition shall be proceeded from the stage, it is being transferred.

10. With the aforesaid directions, the present petition is disposed of.

11. Rights and contentions of the parties are left upon.

12. Needless to state that, nothing stated hereinabove is an opinion on the merits of the case(s) and any observation(s) made hereinabove is only for the purpose of the present petition.

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



14. Copy of the order be sent to the learned District Judge, Shahdara District, Karkardooma Courts, Delhi, and the learned District Judge, North-East District, Karkardooma Courts, Delhi, for necessary information and compliance.
15. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

MAY 15, 2026/kr/ns