



2026:DHC:1501



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of Decision: 19th February, 2026***+ **CM(M) 1802/2025 & CM APPL. 57841/2025****SUNIL BADHAWAR**

.....Petitioner

Through: Ms. Pooja Chhabra and Ms. Pallavi,
Advocates.

versus

RAMESH KUMAR KALRA (DEC.) THR LRS & ORS.

.....Respondents

Through: Ms. Shilpi Ohri, ASC for R-MCD.
Mr. Raghav Sharma, Advocate R-2 to
4.**CORAM:****HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA****ORDER (Oral)****Rajneesh Kumar Gupta, J.**

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed by the petitioner under Article 227 of the Constitution of India, 1950, assailing the order dated 21st July, 2025, passed by the learned Trial Court in TP(C) 14/2025, whereby the transfer petition preferred by the petitioner/plaintiff has been dismissed.
3. Heard. Record perused.
4. The relevant portion of the impugned order reads as follows:

“Present transfer petition has been moved seeking transfer of civil suit bearing no. 961/2022 titled 'Sunil Badhwar vs Ramesh Kumar Kalra & Ors.' pending before the court of Sh. Ajay Kumar Malik, Ld. JSCC -ASC J-Gdn. Judge, South West Dwarka Courts (now presided over by Sh.Mayank Mittal) to the court of competent jurisdiction on the ground that the court



lacks pecuniary jurisdiction.

Heard. Considered.

The issue of jurisdiction regarding subject matter of the civil suit is a legal question and can be decided by the court. If the court comes to the conclusion that there is no pecuniary jurisdiction, the court has the discretion under Order 7 Rule 10 CPC to return the plaint.

This court cannot interfere in such circumstances and no order for transfer of civil suit can be passed.

Accordingly, present transfer petition is dismissed.”

5. Learned counsel for the respondents no. 2 to 4 submits that the application under Order VII Rule 10 of the CPC is now fixed for orders.
6. Learned counsel for the petitioner has relied upon the judgment dated 15th January, 2026 passed by a co-ordinate bench of this Court in **TR.P.(C.) 156/2025**.
7. There is no doubt as to the law laid down in the said judgment with regard to the powers of the Court to transfer a matter under Section 24 of the CPC. However, the same is not applicable to the facts and circumstances of the present case, as the application under Order VII Rule 10 CPC moved on behalf of the respondent/defendant is now fixed for orders. The decision of the trial Court on this application will decide whether the plaint has to be returned or not. Accordingly, this Court does not find any illegality or infirmity in the impugned order and the same is upheld.
8. The petition is dismissed as being devoid of any merit. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

FEBRUARY 19, 2026/v/isk