

(2022) 05 DEL CK 0212

In the Delhi High Court

Case No : Transfer Petition (Civil) No. 30 Of 2022

Gajender Kumar

APPELLANT

Vs

Janak Raj Now Deceased Through His Lr Shivam Sharma &
Anr

RESPONDENT

Date of Decision : 27-05-2022

Acts Referred:

Constitution Of India, 1950 — Article 227

Code Of Civil Procedure, 1908 — Section 24, 24(1)(b)(ii), 24(2)

Citation : (2022) 05 DEL CK 0212

Hon'ble Judges : Dinesh Kumar Sharma, J

Bench : Single Bench

Advocate : Rahul Sharma, Jyoti Dutt Sharma, C.K.Bhatt, Nischay Chaudhary,
B.R.Sharma

Final Decision : Allowed

Judgement

Dinesh Kumar Sharma, J

This order shall dispose of the transfer petition filed under Section 24 (1) (B) (ii) of the Code of Civil Procedure for transfer of the Execution Petition titled as Gajender Kumar vs. Janak Raj & Anr. bearing Ex.No.75/2020 presently pending adjudication before the learned Senior Civil Judge, South District, Saket District Court, New Delhi to the court of learned Senior Civil Judge, South-East District, Saket District Court, New Delhi or any other court in South East District, Delhi of competent jurisdiction to try, hear and adjudicate the same.

The reason for seeking transfer of the case is that the subject matter of the property falls within the territorial jurisdiction of South-East District, New Delhi.

Learned counsel for the respondent states that he may be given an opportunity to file reply as the objection is that for the purpose of Section 24 of CPC, the court of Rent Controller is not a court subordinate to this Court. I consider that this contention is to be noted only to be rejected. This court disapproves such

pleas taken by learned counsel for the respondent. The High Court besides the power under Section 24 of the CPC has the power under Article 227 of the Constitution of India.

These are small matters. I consider that in such matters even calling for the reply is only wastage of the precious judicial time. The courts of South and South-East Districts are situated within the same court complex. I consider that no prejudice is going to be caused to the respondent in any manner, rather it would obviate any technical jurisdiction which may arise in the future.

Hence, the present transfer petition is allowed. EX. No. 75/2020 is directed to be transferred from the court of learned Senior Civil Judge, South District, Saket District Court, New Delhi to the court of learned Senior Civil Judge, South - East District, Saket District Court, New Delhi and the trial Court, South-East District shall proceed from the point at which it is transferred as per Section 24 (2) of the CPC.