

Krishna Devi Vs. Kartar Singh

Krishna Devi Vs. Kartar Singh

SooperKanoon Citation : sooperkanoon.com/1132776

Court : Delhi

Decided On : Mar-07-2014

Judge : Valmiki J. Mehta

Appellant : Krishna Devi

Respondent : Kartar Singh

Advocate for Def. : Mr. Shekhar Dasi

Advocate for Pet/Ap. : Mr. Vishal Bhatnagar, Mr. Vineet Gandhi, Mr. Nitin Sharma

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI + % KRISHNA DEVI TR.P(C) 106/2013 Through:

7. h March, 2014Petitioner Mr. Vishal Bhatnagar, Mr. Vineet Gandhi and Mr. Nitin Sharma, Advocates. VERSUS KARTAR SINGH Through: Respondent Mr. Shekhar Dasi, Adv. CORAM: HONBLE MR. JUSTICE VALMIKI J.MEHTA To be referred to the Reporter or not?. VALMIKI J.

MEHTA, J (ORAL) 1. By this petition, petitioner who is the appellant in the Regular Civil Appeal bearing No.36/2013 titled as Krishna Devi Vs. Kartar Singh Bidhuri presently pending in the court of Sh. Anil Kumar Sisodia, ADJ (West), Tis Hazari Courts, Delhi seeks transfer of the appeal to the competent civil court at District

Courts Saket, New Delhi inasmuch as the appeal pertains to the suit property at Sangam Vihar which is in the territorial jurisdiction of the District Courts at Saket.

2. Aforesaid facts show that the appeal has been wrongly filed in a court not having territorial jurisdiction at Tis Hazari Courts, inasmuch as the appeal ought to have been filed in the District Courts at Saket.

3. There is power in an appellate court to return the appeal under Order 7 Rule 10 CPC, however, that would lead to unnecessary trouble for the appellant in taking back the appeal and refiling the same with the competent court at Saket alongwith an application for condonation of delay, and in order to avoid such a situation Section 24 CPC was amended from 1976 by adding sub-Section 5 that courts have power to transfer the matters from courts which do not have territorial jurisdiction to try the suit.

4. Accordingly, invoking the power under Section 24(5) CPC, I transfer the appeal bearing No.36/2013 titled as Krishna Devi Vs. Kartar Singh Bidhuri presently in the court of Sh. Anil Kumar Sisodia, ADJ (West) Tis Hazari Courts, Delhi (or before his successor court) to the competent court at District Saket. Parties are directed to appear before the District & Sessions Judge, Saket, New Delhi at 2nd April, 2014 and the District and Sessions Judge will mark the appeal to the competent court for disposal in accordance with law.

5. The court of Sh. A.K.Sisodia, ADJ(West) Delhi or any other successor court in which the appeal is pending will transfer the record of the appeal in terms of the present judgment to the District and Sessions Judge, Saket. Dasti to counsel for the parties. MARCH07 2014 ib T.R.P (C) 106/2013

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com