

**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE
WEST DISTRICT, TIS HAZARI COURTS, DELHI**

T.P. Civil No. 13/2026
CNR No. DLWT01-002226-2026

1. Sh. Ravinder Singh
S/o. Late Sh. Surjeet Singh
R/o L-2/41, New Mahavir Nagar
New Delhi-110018
..... Petitioner

Versus

1. Delhi Development Authority
through its Vice Chairman
I.N.A. Vikas Sadan, New Delhi.

2. Union of India
Through Land and Development Office
Nirman Bhawan, New Delhi.

3. North Delhi Municipal Corporation
through its Commissioner
Dr S.P.M. Civic Centre, New Delhi.
.....Respondents

Date of institution of the transfer petition	:	17.02.2026
Date on which order was reserved	:	28.07.2026
Date of order	:	30.07.2026

ORDER

1. Vide this order, I shall dispose of the transfer petition under Section 24 of the Code of Civil Procedure filed by the petitioner

for transfer of the suit bearing number CS SCJ No. 11885/2016 titled as *Ravinder Singh v. D.D.A.* pending before the court of Id. JSCC/ASCJ/Gudn. Judge-01, West, THC, Delhi to the court of the Id. Civil Judge-02, West, THC, Delhi where another suit bearing No. 12376/2016 titled as *Ram Prakash Arora v. D.D.A.* is pending adjudication.

2. The petitioner has averred that the suit bearing number CS SCJ No. 11885/2016 titled as *Ravinder Singh v. D.D.A.* is pending before the court of the Id. JSCC/ASCJ/Gudn. Judge-01, and another suit bearing No. 12376/2016 titled as *Ram Prakash Arora v. D.D.A.* pending before the court of Id. Civil Judge-02, West, THC, Delhi, filed by one Mr. Ram Prakash Arora against the respondents for the same relief. It is further averred that the entire facts of both the suits are same, identical and the reliefs sought in both the suits are similar. It is prayed that civil suit number CS SCJ No. 1525/2017 titled as *Jitender Gulati. v. D.D.A.* pending before the court of the Id. JSCC/ASCJ/Gudn. Judge-01, Delhi be transferred to the court of the Id. Civil Judge-02, West, THC, Delhi, in order to avoid conflicting judgments and for proper adjudication of the dispute between the parties.

3. Reply has been filed on behalf of respondent No. 2 to the transfer petition. It is submitted that the present suit is at the stage of maintainability and in the another case bearing CS SCJ No. 11656/2016 titled as *Rajesh Chawla v. DDA*, the ld. trial court vide order dated 26.11.2025, has framed the preliminary issues and the trial qua the other issues was postponed, and the matter was fixed for arguments on preliminary issues.
4. It is further submitted that the petitioner seeks to transfer the present case with case titled as *Ram Prakash Arora v. D.D.A*, and the said suit is admittedly at a much advanced stage, i.e. stage of evidence, therefore, in view of the distinct procedural stages of the two cases, it is neither feasible nor legally appropriate to transfer the present case, as the same would cause serious procedural complications and delay the proceedings. Hence, at this stage, both the suits cannot be tried in the same court. It is prayed that the present petition should be dismissed.
5. I have heard the arguments addressed by Sh. Vijay Babbar, ld. counsel for the petitioner, Sh. Anupam Sharma, ld. counsel for the the respondent No. 1, Ms. Khushboo George, ld. counsel for the respondent No. 2 and Sh. Mohit Sharma, ld. counsel for the respondent No. 3. I have perused the documents on record.

6. It is argued by the ld. counsel for the petitioner that both the suits are based on the same facts and the reliefs sought are the same and identical in nature, therefore, in order to avoid conflicting judgments, the present case be transferred to the court of ld. Civil Judge-02, West, THC, Delhi.
7. It is argued by the ld. counsel for the respondents that the case CS SCJ No. 12376/2016 titled as *Ram Prakash Arora v. D.D.A.* is at the stage of evidence and the present matter is at the stage of maintainability and, therefore, both the suits cannot be tried together.
8. First of all I will reproduce Section 24 of the CPC as under:
- “24 General power of transfer and withdrawal.***
(1) On the application of any of the parties and after notice to the parties and after hearing such of them as desired to be heard, or of its own motion without such notice, the High Court or the District Court may at any stage.
(a) transfer any suit, appeal or other proceeding pending before it for trial or disposal to any Court subordinate to it and competent to try or dispose of the same, or
(b) withdraw any suit, appeal or other proceeding pending in any Court subordinate to it, and
(i) try or dispose of the same; or

(ii) transfer the same for trial or disposal to any Court subordinate to it and competent to try or dispose of the same; or
 (iii) retransfer the same for trial or disposal to the Court from which it was withdrawn.
 (2) Where any suit or proceeding has been transferred or withdrawn under sub-section (1), the Court which is thereafter to try or dispose of such suit or proceeding] may, subject to any special directions in the case of an order of transfer, either retry it or proceed from the point at which it was transferred or withdrawn.
 (3) For the purposes of this section,
 (a) Courts of Additional and Assistant Judges shall be deemed to be subordinate to the District Court;
 (b) proceeding includes a proceeding for the execution of a decree or order.
 (4) The Court trying any suit transferred or withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.
 (5) A suit or proceeding may be transferred under this section from a Court which has no jurisdiction to try it.”

9. Section 24 of the CPC although gives the discretion to transfer a case, the same is hedged with the requirement of extreme caution as transfer *per se* would cast some doubt on the competence and reputation of the concerned Judge. Thus, transfer can't be allowed as a matter of course. In **Aditi Bakht v. Abhishek Ahuja** MANU/DE/2070/2022, the Hon'ble High Court of Delhi has observed:

“9..... This court is conscious of the fact that the transfer of a case from one court to another is a pretty serious matter as it may cast indirectly doubt on the integrity or competency of the judge from whom the matter is transferred. The order of transfer should not be done on mere presumption and possible apprehensions.”

10. It may be noted that the petitioner is seeking transfer of this suit to the court of Id. Civil Judge-02 where connected matter bearing CS SCJ No.12376/2016 titled as “*Ram Prakash Arora Vs. DDA*” is pending and clubbing the present suit with the said suit. The suit titled as *Ram Prakash Arora* (Supra) is at the stage of evidence whereas the present suit is at the stage of maintainability. Further more, the suit bearing CS SCJ No.11656/2016 titled as “*Rajesh Chawla Vs. DDA*” is pending for maintainability as per the averments made in the reply filed by the respondent no. 2 in response to the present petition. Ld. counsel for the DDA has placed on record the copy of the order dated 22.11.2021 in case bearing CS SCJ No. 613/2017 titled as “*Shri Mukesh Gupta Vs. Delhi Development Authority & Ors*” passed by Id. JSCC/ASCJ/Guardian Judge-01, West, District Delhi and order dated 22.11.2021 in case bearing CS SCJ No. 612/2017 titled as “*Smt. Padma Gupta Vs. Delhi Development Authority & Ors*” passed by Id. JSCC/ASCJ/Guardian Judge-01, West District Delhi

whereby the complaints in these suits have been rejected.

11. As per the contention of the DDA (respondent no. 1), the present suit, involving a common question of law, has already been disposed of by rejecting the complaint under Order 7 Rule 11 CPC. The present suit, transfer of which has been sought by way of present petition, is also listed for arguments on maintainability of the suit, therefore, there is no reason or ground as agitated by the ld. counsel for the petitioner is made out for exercising the power under Section 24 CPC for transferring the present suit to the court where the case titled as *Ram Prakash Arora* (Supra) is pending.
12. In the light of my above observations, I find no merit in the present transfer petition. Accordingly, the present transfer petition is dismissed.
13. A copy of this order be sent to the ld. trial court.
14. File be consigned to the Record Room after compliance.

**Announced in the open court
on 30th day of July, 2026**

**(Dr. Vijay Kumar Dahiya)
Principal District & Sessions Judge
West District : Delhi**