

CS 946/18

**SOCIETY FOR THE PROTECTION AND MANAGEMENT OF AGGARWAL
JAIN TEMPLE AND DHARAMSHALA Vs. RAJAN SEHGAL AND ANR**

18.03.2023

Present : Sh. Gurpreet Singh Sethi, counsel for the plaintiff.
Sh. Dharmendra Kumar, counsel for defendant no.2 and LRs of defendant
no.1 along with one of the LRs Ms. Akanksha.

An application filed on behalf of the defendants under Section 10 of CPC on the ground that an earlier suit involving same issue is pending before the court of Ms. Twinkle Wadhwa, Ld. ADJ, PHC, New Delhi. Counsel for the defendants has submitted that said court is now being presided over by Sh. Gaurav Rao, Ld. ADJ, PHC, New Delhi. In terms of the directions given on the last date of hearing, plaintiff has placed on record the pleadings of the purported previous suit. Perused.

In the previously instituted suit, the plaintiff has sought the possession of quarter bearing no.26, Aggarwal Jain Temple and Dharamshala Complex, Raja Bazar, Jai Singh Pura, Connaught Place, New Delhi along with a sum of Rs.3,06,000/- as damages.

In the present suit, plaintiff has sought possession of a toilet situated next to quarter bearing no.26, Aggarwal Jain Temple and Dharamshala Complex, Raja Bazar, Jai Singh Pura, Connaught Place, New Delhi. Plaintiff has also sought damages of Rs.42000/- along with mesne profit @ Rs.10,000/- per month.

I have gone through the pleadings of both the matters. Parties are same in both the matters. I am of the considered opinion that in order to avoid any conflict of opinion, it would be expedient if both matter be tried by the same court. In view of this, matter be placed before the Ld. Principal District and Sessions Judge, PHC, New Delhi on 22.03.2023 at 02:00 PM with a request to assign the same to the court of Sh. Gaurav Rao, Ld. ADJ, PHC, New Delhi where the previous suit is pending.

(Sudhanshu Kaushik)
ADJ-02 & Waqf Tribunal
NDD/PHC/ND/18.03.2023