

T.P. (C) No.13/2026
Neha Sejwal & Anr. Vs. Ram Chander Aswani & Ors.

02.07.2026

Present:- Sh. Kuldeep Kumar, Ld. Counsel for the applicants / petitioners.

Sh. I.K. Dubey, Ld. Counsel for legalheirs of Respondent no.2.

Heard. Perused.

Reply to the Transfer application / petition filed on behalf of legalheirs of Respondent no.2. Copy supplied.

Arguments heard.

It is argued by the Ld. Counsel for the applicants / petitioners that petitioner has filed a suit for Partition bearing CS DJ No.460/2022 with respect to property bearing No.B-93, Sarvodaya Enclave, New Delhi against the respondents in which he has made Vishnu Aswani as defendant as he has purchased the part property from Sh. Ram Chander Aswani. He further submits that respondent Vishnu Aswani has also filed a suit bearing CS DJ No.4112/2024 which is pending before the Court of Sh. Sunil Beniwal, Ld. District Judge – 06, South, Saket Courts, New Delhi, in which respondent no.1 was made a defendant. He submits that since both the suits are in respect of the same property therefore, it would be appropriate that both the suits be tried by one Court.

On the other hand, Ld. Counsel for the Respondent submits that first of all this petition is not maintainable due to technical defect i.e. in the petition Vishnu Aswani has been made

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a party through legalheirs and since Vishnu Aswani has already expired prior to filing of this petition, therefore, his legalheirs should have been made directly as a party instead of through Vishnu Aswani. He further argued that even otherwise, on merits, nature of both the suits are different as the suit filed by Late Sh. Vishnu Aswani is for seeking declaration and permanent injunction that the alleged Sale Deed executed by Ram Chander Aswani in favour of the applicant / petitioner herein is null and void. Whereas, the other suit filed by the applicant / petitioner herein is suit for partition.

I have heard the arguments of both the sides and have gone through the record of Transfer application / petition as well as the Trial Court records.

First of all, from the perusal of the Memo of Parties, it is evident that when the applicant / petitioner filed the suit against Vishnu Aswani who is mentioned as Respondent no.2 herein, he was alive and prior to filing of this petition he expired and his legalheirs were impleaded. Therefore, in these circumstances, in my view, it cannot be said that there is a technical defect in the petition and legalheirs of Vishnu Aswani has been impleaded through him.

As far as the other objection is concerned, the respondent herein himself has sought declaration that the Sale Deed executed in favour of applicant / petitioner herein be decreed null and void whereas, the applicant / petitioner is

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seeking partition of the suit property on the basis of same Sale Deed. Thus, it would be appropriate that both the suits be tried by the same Court in order to avoid conflicting orders and opinion.

In view of the above facts and circumstances, **the suit bearing CS DJ No.4112/2024 titled Vishnu Aswani Vs. Ram Aswani & Ors. is withdrawn from the Court of Sh. Sunil Beniwal, Ld. District Judge – 06, South, Saket Courts, New Delhi and is transferred to the Court of Sh. Arul Varma, Ld. District Judge – 02, South, Saket Courts, New Delhi where suit bearing CS DJ No.460/2022 is pending adjudication.**

The Transfer application / petition is accordingly, allowed.

Parties are directed to appear before the learned Transferee Court on 20.08.2026.

A copy of this order alongwith Trial Courts record be sent to all the courts concerned for information and compliance.

File be consigned to Record room.

**(SANJEEV KUMAR AGGARWAL)
Principal District & Sessions Judge (South)
Saket Courts, New Delhi / 02.07.2026**