

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

**T.P. Civil No. 97/2025**  
**CNR No. DLWT01-012648-2025**

**Jagjit Kaur Anand**  
W/o. Gurmeet Singh Anand  
R/o. VB 109, Gali No. 4  
Virender Nagar, New Delhi.

**....Petitioner**

**Versus**

**1. Madhu Nahar**  
W/o. Late Sh. Rakesh Nahar  
3/166, Second Floor  
Sunder Vihar, Paschim Vihar  
New Delhi-110063.

**2. Ram Piyari**  
M/o. Late Sh. Rakesh Nahar  
3/166, Second Floor  
Sunder Vihar, Paschim Vihar  
New Delhi-110063.

**3. Hanshni Nahar**  
D/o. Late Sh. Rakesh Nahar  
3/166, Second Floor  
Sunder Vihar, Paschim Vihar  
New Delhi-110063.

**....Respondents**

Date of institution of the revision petition	:	01.12.2025
Date on which order was reserved	:	17.03.2026
Date of order	:	19.03.2026

**ORDER**

1. Vide this order, I shall dispose of the transfer petition under

Section 24 read with Section 151 of the Code of Civil Procedure, 1908 (for brevity 'CPC') filed by the petitioner for transfer of the suit bearing CS SCJ No. 400/2022 titled as *Jagjit Kaur v. Madhu Nahar* pending before the Court of the Ld. SCJ-cum-RC, West, Tis Hazari Courts, Delhi, to the Court of the Ld. District Judge-05, West, Tis Hazari Courts, Delhi, where the suit bearing Civ DJ No. 986/2021 titled *Madhu Nahar v. Gurmeet Singh Anand & Ors.* is pending adjudication.

2. It is averred by the petitioner that both the suits are connected since the petitioner herein has filed a suit bearing CS SCJ No. 400/2022 titled as *Jagjit Kaur v. Madhu Nahar* for mandatory injunction against the respondents in respect of the suit property bearing No. 3/166, Second Floor and Roof Rights, Sunder Vihar, Paschim Vihar, New Delhi, and the respondent No. 1 has filed the suit bearing Civ DJ 986/2021 titled as *Madhu Nahar v. Gurmeet Singh Anand & Ors.* for cancellation of the sale deed and declaration with regard to the same property as above mentioned. It is further averred that the decision in the suit for cancellation of sale deed will have a direct impact on the other suit and *vice versa*. Both the matters are at a preliminary stage and if both the suits are tried by the same Court, no prejudice shall be caused to either parties.

3. Reply has been filed by respondent Nos. 1 and 3, wherein it is submitted that the present petition is not maintainable in the present form, since the petitioner has not impleaded the ICICI bank as a

necessary party despite knowing that the ICICI Bank has the symbolic possession of the suit property under SARFAESI proceedings and the bank and the petitioner are already before the Ld. Debt Recovery Tribunal under the SARFAESI proceedings. There is no common cause of action. It is submitted that civil suit bearing No. 400/2022 pending before the Court of Ld. SCJ-cum-RC, West, THC is barred by limitation and therefore, the same cannot be transferred to the Court of Ld. District Judge-05, West, THC. It is submitted that the Court of Ld. Civil Judge has no jurisdiction to try and entertain the suit of the petitioner.

4. Arguments were addressed by Sh. Sukhmeet Singh Lamba, Ld. Counsel for the petitioner and Sh. Vineet Malhotra, Ld. Counsel for the respondent.
5. Section 24 of the CPC reads 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.”*

6. In Civ DJ No. 986/2021 titled as *Madhu Nahar v. Gurmeet Singh Anand & Ors.*, the suit has been filed by the respondent No. 1 against the petitioner and two others praying that the sale deed dated 06.05.2010 allegedly executed by the husband of the plaintiff in favour of the respondent Nos. 1 (Gurmeet Singh Anand/husband of the petitioner) and 2 (Jagjit Kaur / petitioner) be cancelled and declared as null and void and the plaintiff be declared as the rightful owner of the suit property i.e 3/166, Sunder Vihar, Paschim Vihar, New Delhi. Prayer has also been made for a decree of permanent injunction restraining the respondent Nos. 1 and 2 from creating any 3<sup>rd</sup> party interest in the suit property. In CS SCJ No. 400/2022 titled as *Jagjit Kaur Anand v. Madhu Nahar*, the suit has been filed by the petitioner against respondent Nos. 1 to 3 praying that a decree of permanent injunction be passed in favour of petitioner restraining the respondent

Nos. 1 to 3 from creating any third party interest in the suit property i.e. 3/166, Second Floor with roof rights, Sunder Vihar, Paschim Vihar, New Delhi-110087. In this suit, prayer has also been made to pass a decree of mandatory injunction directing the defendants to vacate the suit property and hand over the vacant possession of the suit property and to pass a decree of mesne profits amounting to Rs. 30,000/- per month from the date of termination of license till the handing over of possession of the suit property. The ICICI Bank is not a party in the case bearing CS SCJ No.400/22 titled as *Jagjeet Kaur v. Madhu Nahar & Ors.* The proceedings under the SARFAESI Act before the Ld. Debt Recovery Tribunal have no bearing on this transfer petition. In CS SCJ No. 400/2022, the application under Order 7 Rule 11 CPC filed by the defendant Nos. 1 to 3 (respondent Nos. 1 to 3) before the Ld. Trial Court on the ground that the suit was not maintainable being barred under Section 34 of the SAFAESI Act was dismissed vide order dated 03.02.2024. The said order was challenged before the Hon'ble High Court of Delhi vide CRP No. 114/2024 titled as *Madhu Nahar v. Jagjit Kaur Anand*, which was dismissed.

7. Considering the nature of reliefs sought in both the suits and that the suit property is the same, in the interest of justice, in order to avoid conflicting findings, both the cases are required to be heard by the same Court. Accordingly, the prayer for transfer in the transfer petition under Section 24 read with Section 151 CPC is allowed. The civil suit bearing CS SCJ No. 400/2022 titled as *Jagjit Kaur v. Madhu Nahar* pending in the Court of Ld. SCJ-cum-RC, West, THC, Delhi is

withdrawn from the said Court and the same is assigned to the Court of Ld. District Judge-05, West, THC, Delhi, where the civil suit bearing Civ. DJ No. 986/2021 titled as *Madhu Nahar v. Gurmeet Singh Anand & Ors* is pending. The parties shall appear before the transferee Court on **20.03.2026 at 2.00 pm**. Copy of this order be sent to both the Courts for information and compliance. File be consigned to the Record Room post compliances.

**Announced in the open Court  
on 19<sup>th</sup> day of March, 2026**

**(Dr. Aditi Choudhary)  
Principal District & Sessions Judge  
West District : Delhi**