

TP No. 17/2025

CNR No. DLSW01-001184-2025

Chand Uppal Vs. Chander Prakash Kapur

25.02.2025

Present: Applicant in person with Sh. Manish Sehrawat, Ld. counsel.

Non-applicant in person.

Ms. Seema Khatri, Ld. counsel for the non-applicant through VC.

1. Arguments heard.
2. Transfer application u/S 24 CPC has been moved seeking transfer of civil suit bearing No. 725/2023 titled '*Chander Prakash Vs. Chand Uppal*' pending before the court of Ms. Chitranshi Arora, Ld. Civil Judge-03, South-West, Dwarka Courts to the court of Sh.Divyang Thakur, Ld. District Judge-03, South-West, Dwarka Courts where suit bearing no. 911/2024 titled '*Laxmi South-West Enterprises P Ltd. & Ors. Vs. Rakesh Sabharwal & Anr.*' is pending.
3. It is contended that suit no. 725/2023 has been filed by the non-applicant/plaintiff against the applicant/defendant seeking permanent and mandatory injunction while suit bearing no. 911/2024 has been filed by the applicant seeking specific performance of agreement to sell dated 29.09.2020. It is contended that the suit property involved in both these suits is same. It has, therefore, been prayed that in order to avoid conflicting judgments, both the suits be heard and decided by one and the same court.

4. On the other hand, Ms. Seema Khatri, Ld. counsel for the non-applicant has vehemently opposed the transfer application by filing a written reply. It has been argued that cause of action in both the suits is different and the relief sought in both the suits is also entirely different. It is argued that there is no question of conflicting judgments as adjudication of one case will not directly impact the other. It is argued that the transfer application is misconceived, devoid of merits and has been filed with the sole intention of delaying the proceedings.

5. I have given my thoughtful consideration to the submissions of both the Ld. counsel. I have also perused the contents of transfer application as well as reply filed on behalf of non-applicant.

6. Sh. Chand Uppal is stated to be the Director of M/s Laxmi South West Enterprises P Ltd. As such two of the parties are common in both the suits. Suit property in both the suits is also same. In these circumstances, it would be in the interest of justice if both the suits are heard and adjudicated by one and the same court. It would also help the court to better understand the dispute between the parties for final adjudication of the case(s).

7. Accordingly, transfer application is allowed. Suit bearing no. 725/2023 titled '*Chander Prakash Vs. Chand Uppal*' pending before the court of Ms. Chitranshi Arora, Ld. Civil Judge-03, South-West, Dwarka Courts is ordered to be withdrawn from her court and transferred to the court of Sh. Divyang Thakur, Ld. District Judge-03, South-West, Dwarka

Courts for trial in accordance with law.

8. Parties are directed to appear before the Ld. transferee court on **28.02.2025**.

9. A copy of this order be sent to both the courts.

10. Ahlmad of the transferor court is directed to send the file, complete in all respects, to the transferee court, immediately.

11. File of transfer application be consigned to record-room.

(Praveen Kumar)
Principal District & Sessions Judge:
South West District
Dwarka Courts/New Delhi/25.02.2025