

\$~8 to 11

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CS(OS) 835/2000

M/S VIJAY WELDING ENGINEERING WORKS Plaintiff

Through: Mr. Ankur Goel, Adv.

Versus

LG HOTLINE CPT LTD. Defendant

Through: Ms. Meenakshi Singh, Adv.

AND

CS(OS) 1542/2000

LG HOTLINE CPT LTD. Plaintiff

Through: Ms. Meenakshi Singh, Adv.

Versus

VAISHNO CLIMATECHNIQUE (INDIA) Defendant

Through: Mr. Ankur Goel, Adv.

AND

+ CS(OS) 1543/2000

M/S LG HOTLINE CPT LTD. Plaintiff

Through: Ms. Meenakshi Singh, Adv.

Versus

M/S VIJAY WELDING ENGINEERING WORKS Defendant

Through: Mr. Ankur Goel, Adv.

AND

CS(OS) 836/2000

S.L. DHINGRA Plaintiff

Through: Mr. Ankur Goel, Adv.

Versus

LG HOTLINE CPT LTD. Defendant

Through: Ms. Meenakshi Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

%

ORDER
26.09.2016

1. CS(OS) No.835/2000 is for recovery of Rs.19,38,577.17 paise with interest.
2. CS(OS) No.1542/2000 is for recovery of Rs.30,47,026/- with interest.
3. CS(OS) No.1543/2000 is for recovery of Rs.15,17,862/- with interest.
4. CS(OS) No.836/2000 is for recovery of Rs.58,59,090/- with interest.
5. The counsels inform that the suits have been consolidated for trial.
6. All these suits, in accordance with the Office Order dated 24th November, 2015 of Hon'ble the Chief Justice of this Court in exercise of powers under Section 4 of the Delhi High Court (Amendment) Act, 2015, were transferred to the Court of the District Judge (South-East), Saket Courts, New Delhi but have been returned owing to the Office Order dated 28th April, 2016 of this Court.
7. The Office Order dated 28th April, 2016 is with respect to suits covered by the First Proviso to Section 7 of the Commercial Courts, Commercial Division and Commercial Appellate Division of the High Courts Act, 2015 (Commercial Courts Act).
8. The counsel for M/s Vijay Welding Engineering Works and Mr. S.L. Dhingra states that according to him the suits will lie before the District Court only since the valuation thereof is below the enhanced minimum pecuniary jurisdiction of this Court.
9. Per contra, the counsel for M/s LG Hotline CPT Ltd. states that the suits have been correctly returned.

10. The Proviso to Section 7 of the Commercial Courts Act, notwithstanding the enhancement in the minimum pecuniary jurisdiction of this Court retains in this Court suits relating to commercial disputes stipulated by an Act to lie in a Court not inferior to a District Court.
11. The suits for recovery of money are not mandated by any law to lie in a Court not inferior to a District Court.
12. The applicability, by the Additional District Judge and the District Judge (South-East), Saket Courts, New Delhi, of the said Proviso for returning these suits is misconceived.
13. In the process valuable time has been lost.
14. Both counsels state that the territorial jurisdiction is of District Court (South-East), Saket Courts, New Delhi only and they do not dispute the same.
15. The suits are accordingly again transferred to the Court of the District Judge (South-East), Saket Courts, New Delhi.
16. The parties to appear before the Additional District Judge / District Judge (South-East), Saket Courts, New Delhi on 15th November, 2016.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 26, 2016
Bs..