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

+ **CS(OS) 156/2001 & IA.No.2282/2016**

NATIONAL HORTICULTURE BOARD Plaintiff
Through: Mr. Satish Kumar, Adv.

Versus

HONEY BEE NATURAL PRODUCTS LTD & ORS Defendants
Through: Mr. Alakh Kumar, Adv for D-2 to 3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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01.08.2016

1. The plaintiff has sued for recovery of Rs.23,80,207/- with interest jointly and severally from defendants No.1 to 4 namely Honey Bee Natural Products Ltd, Mrs. Sarparveen Kaur, Mr. Peter Satwant Singh and Mr. Harwant Singh.

2. The defendant No.1 Honey Bee Natural Products Ltd was ordered to be wound up and as a consequence thereof the plaintiff on 8th October, 2015 made a statement in the suit that it will pursue its remedies as per the Companies Act and would apply for revival of the suit if the occasion therefor arises. In terms thereof, the suit, on 8th October, 2015 was disposed of.

3. IA.No.2282/2016 has been filed by the plaintiff for revival of the suit. It is the case of the plaintiff that in the liquidation proceedings, the plaintiff has been given a sum of only Rs.2,77,269/- out of the assets of the defendant No.1 Honey Bee Natural Products Ltd and hence the need to proceed with the suit for recovery of the balance amount due from the defendants No. 2 to 4 aforesaid.

4. Notice of the application was issued and reply has been filed on behalf of the defendants 1 to 3.

5. The counsel for the defendants No. 1 to 3 states that the defendant No.4 Mr. Harwant Singh has since died, leaving defendant No.3 Mr. Peter Satwant Singh as his son and Mrs. Jagdish Pal Kaur as his wife as his only legal heirs; that Mrs. Jagdish Pal Kaur has also since died. It is further stated that Mrs. Sarparveen Kaur and Mr. Peter Satwant Singh have been declared insolvent vide order dated 3rd July, 2012 of the Insolvency Judge, (Central) Delhi and vide order dated 11th February, 2016 of the Insolvency Judge, the said two persons have been discharged from all their liabilities. He thus states that no purpose will be served by reviving the suit.

6. The counsel for the plaintiff contends that the said discharge would not discharge the liability of the said persons vis-a-vis the plaintiff as it is a Government organisation.

7. Since as per the Office Order dated 24th November, 2015 of Hon'ble the Chief Justice in exercise of powers under Section 4 of the Delhi High Court (Amendment) Act, 2015, the proceedings in the present suit are liable to be transferred to the subordinate court, it is deemed appropriate to transfer the proceedings for the said question also to be adjudicated by the Court of appropriate jurisdiction.

8. Though the registered office of the plaintiff is at Gurgaon and the address of the defendant No.1 Company is of Sainik Farm but since the order of insolvency is of the Central District, this Court in exercise of its powers including under Section 24 of the CPC deems it appropriate to transfer the present suit to the Central District.

9. The file of the suit be transferred forthwith to the Court of District Judge (Central)), Tis Hazari Courts, Delhi.

10. The parties to appear before the District Judge/Additional District Judge (Central), Tis Hazari Courts, Delhi on 24th August, 2016.

**AUGUST 01, 2016
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RAJIV SAHAI ENDLAW, J.