

\$~3.

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

+ CS(OS) 1802/2001

SEVEENA ENTERPRISES

..... Plaintiff

Through: Mr. Sandeep Bajaj & Mr. Soaijeb
Qureshi, Advocates.

versus

KALATEX AND ORS.

F+

..... Defendants

Through: Ms. Sunita Tiwari, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

18.02.2016

%

I.A. No. 1438/2016

This application has been filed by the plaintiff to seek directions in view of the fact that the learned Local Commissioner Sh.T.D. Keshav, Retired ADJ, who was appointed to record evidence, has not been able to proceed on account of his ill health.

The suit itself is liable to be transferred in view of the fact that the jurisdictional value is Rs.24 lakhs and in view of the notification No.2718/DHC/Orgl. dated 25.11.2015, issued under Section 4 of the Delhi High Court (Amendment) Act, 2015 (Act 23 of 2015).

Accordingly, since the matter has to be transferred to the Court of the learned District Judge, I do not see any purpose of requiring the recording of evidence by the Local Commissioner. Accordingly, the Local

Commissioner is discharged. The evidence shall be recorded by the Court itself.

In view of the notification No.2718/DHC/Org1. dated 25.11.2015, issued under Section 4 of the Delhi High Court (Amendment) Act, 2015 (Act 23 of 2015), at the request of the counsels for the parties, the present suit is transferred to the Court of the District Judge (South), Saket Courts for further proceedings before the competent court on 10.05.2016.

It is made clear that as both sides are duly represented today, no fresh notice for appearance shall be issued and the parties shall ensure their presence before the concerned Court on the aforesaid date.

VIPIN SANGHI, J

FEBRUARY 18, 2016

B.S. Rohella