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

+ CS(OS) 2834/2000 and I.A. 19524/2015

THE KERALA STATE CO-OPERATIVE
MARKETING FEDERATION LTD.

..... Plaintiff

Through: Mr. Harshad V. Hameed & Mr.Dileep
Poolakkot, Advocates.

versus

M/S KAUTALAYA OVERSEAS & ANR.

..... Defendants

Through: Ms. Kajal Chandra, Ms. Swati Sinha
& Ms. Prerna Chopra, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
25.04.2016

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The matter has been placed before this Court for seeking instructions in view of the fact that according to the defendants, the suit should be transferred to the District & Sessions Judge (South East), Saket Courts Complex, Delhi and the suit should not have been transferred to the District & Sessions Judge (East), Karkardooma Courts, Delhi.

The aforesaid dispute has arisen in view of the fact that though in the memo of parties, the address of the defendants is disclosed as that of Preet Vihar, Delhi – 110 092, the defendants had shifted from the said Preet Vihar address, and were actually served only at Lajpat Nagar. In this regard, learned counsel for the defendant has placed on record the report of the Process Server effecting service on the defendants. Though the summons

were addressed at Preet Vihar address, the same were served at F-18, Lajpat Nagar, New Delhi on 23.02.2001.

Learned counsel for the defendants submits that the plaintiff should have filed an amended memo of parties giving the correct address of the defendants, which has not been done, and consequently, while transferring the suit, the Court proceeded on the address given in the memo of parties. Since the defendants were served with the summons at the Lajpat Nagar address, this grievance of the defendants appears to be justified.

Accordingly, the suit now stands transferred to the learned District & Sessions Judge (South-East), Saket Courts Complex, New Delhi. The parties shall appear before the said Court on 15.07.2016. No further notice shall be required to be given to the parties.

The plaintiff shall file the amended memo of parties within a week.

VIPIN SANGHI, J

APRIL 25, 2016

B.S. Rohella