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

+ **CS(OS) 438/2000**

BIOCHEMIE GMBH Plaintiff

Through: Mr. Abhishek Anand, Adv.

Versus

MEDICINE HOUSE AND ANR. Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **22.08.2016**

1. The suit, in accordance with 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, was transferred to the Court of the District Judge (West), Delhi. However the officiating District & Sessions Judge (West), Delhi has vide order dated 19th May, 2016 sent back the suit to this Court in view of Office Order dated 28th April, 2016 of Hon'ble the Chief Justice. The suit is accordingly listed today.
2. The suit for recovery of Rs.41,80,386/- and the defendant has made a counterclaim for Rs.82.5 lacs.
3. The Office Order dated 28th April, 2016 pertains to suits of the class falling in the first proviso to Section 7 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 i.e. with respect to suits which by virtue of provision of any law cannot be filed in a Court below the District Court.
4. The present suit does not fall in this class.

5. The learned officiating District & Sessions Judge (West) therefore erred in sending back the suit to this Court.
6. The District Judge (West), Delhi to be careful in future.
7. The suit is again transferred to the District Judge (West), Delhi.
8. The parties to appear before the Additional District Judge/ District Judge (West), Delhi on 14th September, 2016.

RAJIV SAHAI ENDLAW, J

AUGUST 22, 2016

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