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

+ CS(OS) 1122/2005 and I.A. 6144/2016

MSL INDUSTRIES

..... Plaintiff

Through: Mr. Sanjay Luthra & Mr. H.P.S.
Dhawan, Advocates.

versus

CMI LTD.,

AC+

..... Defendant

Through: Mr. S.K. Gupta & Mr. Manish Gupta,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

27.05.2016

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O.A. No.101/2016

This chamber appeal is directed against the order dated 09.05.2016 passed by the learned Joint Registrar, whereby the suit had been transferred to the District & Sessions Judge (South-East), Saket Courts, New Delhi.

The submission of learned counsel for the defendant/ applicant is that the transaction between the parties took place when the plaintiff was having its office at 11, Tolstoy Marg, New Delhi. Subsequently, the plaintiff shifted its office at 1306, Hemkunt Chambers, 89, Nehru Place, New Delhi and the suit was thereafter filed on or about 04.07.2005 in this Court.

The averment with regard to the jurisdiction made in paragraph 14 of the plaint shows that the plaintiff claimed that the cause of action arose at its office in Delhi. This would mean the office of the plaintiff where the transaction took place, was 11, Tolstoy Marg, New Delhi. Merely because the plaintiff's office at the time of filing of the suit was situated at Nehru Place, the suit would not be transferred to the Court having jurisdiction over Nehru Place upon raise in the pecuniary jurisdiction of this Court.

I find merit in this submission. Accordingly, the impugned order is set aside. It is directed that the suit be transferred to the Court of the learned District Judge (New Delhi), Patiala House Courts, New Delhi which has jurisdiction over Tolstoy Marg, New Delhi. The parties shall appear before the learned District Judge (New Delhi) on 10.08.2016.

VIPIN SANGHI, J

MAY 27, 2016

B.S. Rohella