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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(C) 5/2016**
SABMILLER INDIA LTD

..... Petitioner

Through: Ms. Geetanjali Visvanathan, Adv.
with Ms. Asavari Jaw, Adv.

versus

SPENCER DISTILLERIES & BREWERISE PVT LTD

..... Respondent

Through: Ms. Ankita Mishra, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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22.04.2016

1. This is a transfer petition filed by the petitioner with the following reliefs:-

“i) Transfer/withdraw the suit CS(OS) 2542 of 2014 from the Hon'ble Judge R. Kiran Nath, District & Session Judge , South East Saket, New Delhi;

ii) Recall the files to the Hon'ble Court;

iii) Fix a date before this Hon'ble Court for continuing proceedings in the suit; and

Any further orders, as this Hon'ble Court deems fit and proper in the facts and circumstances of the present case.”

2. It is noted that the suit was transferred to the learned District Judge

(South-East), Saket Court vide order dated November 26, 2015 in view of notification No.27187/DHC/Orgl. dated 24th November 2015. Keeping in view the first proviso to Section 7 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 and the fact that the Act was given effect from October 23, 2015, on which date the suit was pending before this Court, the suit need to be tried in this Court only.

3. Ms. Ankita Mishra, Adv. appearing for the defendant states, she has no objection if the prayer as made in the application is allowed. Accordingly, the suit being CS(OS) 2542/2014, which is pending consideration before learned District & Sessions Judge (South-East), Saket Court, New Delhi is transferred back to this Court.

4. On such transfer, the matter CS(OS) 2542/2014 shall be listed before Joint Registrar for further proceedings on 11th July, 2016.

5. Petition is disposed of.

V. KAMESWAR RAO, J

APRIL 22, 2016/ak