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

+ **TR.P.(C) 6/2016**

VIFOR (INTERNATIONAL) LTD Petitioner

Through: Ms Vaishali Mittal with Ms D.Neha
Reddy, Advs.

versus

DHARMENDRA VORA & ANR.

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **01.03.2016**

This is a petition filed by the petitioner with the following
prayers:

- “(i) Transfer/withdraw the suit from the Hon’ble District & Session Judge, New Delhi, Patiala House Court Complex, 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.”

It is noted that the Joint Registrar in terms of notification dated 24th November, 2015 transferred the matter to the Court of Ld. District and Sessions Judge, New Delhi, Patiala House Court complex to be listed on 25.05.2016.

Thereafter, a Civil Writ Petition No.11035/2015 was filed by the plaintiff herein before this Court which was heard along with a Civil Writ Petition No.11045/2015, wherein challenge was made to the notification dated 24th November, 2015.

Be that as it may, learned counsel for the petitioner has drawn my attention to first proviso Section 7 of the Commercial Division of the High Court Act, 2015 to contend that those cases which were pending on the relevant date i.e. 23.10.2015 shall be retained in this Court. She has drawn my attention to various orders passed by the concerned District Court. She has also drawn my attention to the order passed by in WPC No.110351/2015 including order dated 07.02.2016 in CM No.56/2016 which was withdrawn by the petitioner to seek appropriate remedy in accordance with law. It is her case the appropriate remedy is this petition which is a transfer petition under Section 24 of CPC.

Having considered the submissions made by learned counsel for the petitioner and the fact that the defendant is ex-parte the proviso under Section 7 of the Commercial Division of the High Court Act, 2015 being clear, this Court is of the view that the suit being pending one on 23.10.2015, could not have been transferred to the concerned District Court. Accordingly, the suit no.4083/2014 is liable transferred back to this Court and on such transfer the matter shall be listed before Joint Registrar on 16.03.2016.

Petition disposed of.

Copy of this order be given dasti.

V. KAMESWAR RAO, J

MARCH 01, 2016

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