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

+ **CS(OS) No.1488/2007**

M/S JACONDE OVERSEAS PVT. LTD Plaintiff
Through: Mr. Ashish Bhardwaj and Mr.
Prakhar Bhatnagar, Advs.

versus

SHRI M.S. SAHNI & OTHERS Defendants
Through: Mr. Harish Katyal and Ms. Vinny
Shangloo, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **28.09.2016**

OA No.34/2016 (of the plaintiff against the order dated 13th September, 2012) and IA No.1629/2015 (for condonation of 103 days delay in filing thereof).

1. This Chamber Appeal impugns the order dated 13th September, 2012 imposing costs of Rs.20,000/- on the appellant/plaintiff for adducing evidence.
2. The counsel for the appellant/plaintiff withdraws the appeal and states that the costs of Rs.20,000/- shall be paid to the counsel for the defendants within two weeks of today.
3. However the counsel for the defendants has argued that other costs are also due from the appellant/plaintiff to the defendants.
4. The said other costs have been subject matter of OA No.69/2013 disposed of by order dated 4th March, 2014 and whereagainst the defendants had preferred FAO(OS) No.362/2014 which was dismissed on 12th August,

2014. It thus today does not lie in the mouth of the counsel for the defendants to insist on payment the said costs. Moreover, in this Chamber Appeal, the Court is only concerned with the order dated 13th September, 2012.

5. In spite of being informed so, the counsel for the defendants has insisted on payment of other costs which are stated to have not been paid.

6. In the light thereof, it is directed that the appellant/plaintiff need not pay the costs offered today of Rs.20,000/-.

7. The Chamber Appeal is accordingly disposed of.

CS(OS) No.1488/2007.

8. The suit is for recovery of Rs.49,93,887/- and in accordance with 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 has to be transferred to subordinate courts.

9. The plaintiff as well as the defendants have their office/residence at Friends Colony East, New Delhi which falls in the jurisdiction of the Saket Courts (it is not sure whether District South or District South East). However the counsels state that a connected suit filed by the defendants against the plaintiff herein, also for recovery of money and arising out of the same transaction as from which this suit arises, is pending in the Court of Shri Shailender Malik, Additional District Judge, Tis Hazari Courts, Delhi. The counsels state that the cause of action for the present suit also has accrued within the jurisdiction of the District Central, Tis Hazari Courts within whose jurisdiction the property qua which the monies are claimed is situated.

10. With the consent of the counsels and including in the exercise of powers under Section 24 of the Code of Civil Procedure, 1908 (CPC), the suit is transferred to the District (Central), Tis Hazari Courts, Delhi.

11. The counsels on enquiry state that that the other suit before Shri Shailender Malik, Additional District Judge is listed on 9th November, 2016.

12. The parties to appear before the Additional District Judge/District Judge, District (Central), Tis Hazari Courts on 9th November, 2016.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 28, 2016

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