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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CS(OS) 1231/2005

ASHOKA TECHNOLOGIES AND ANR. Plaintiffs

Through: Mr. Kuljeet Rawal, Adv.

Versus

RATHI ISPAT LTD. Defendant

Through: None.

AND

+ CS(OS) 1466/2007

RATHI ISPAT LIMITED Plaintiff

Through: None.

Versus

ASHOKA TECHNOLOGIES & ORS Defendants

Through: Mr. Kuljeet Rawal, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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15.09.2016

1. CS(OS) No.1231/2005 has been filed for recovery of Rs.83,55,160/- with interest.
2. CS(OS) No.1466/2007 has been filed for recovery of Rs.6,69,960/- with interest and though falling within the pecuniary jurisdiction of the District Judge, appears to have been brought to this Court to be tried along with CS(OS) No.1231/2005.
3. Both suits were vide order dated 25th September, 2008 adjourned *sine die* owing to Rathi Ispat Ltd. having been referred to Board for Industrial and Financial Reconstruction.

4. Neither party applied for revival. The Registry of its own listed the suits before this Court on 6th August, 2015, when none appeared. Court notice was ordered to be issued to the parties through counsels.
5. Only the counsel for Ashoka Technologies and others, plaintiffs in CS(OS) No.1231/2005 and defendants in CS(OS) No.1466/2007 appears. The service report of the counsel for Rathi Ispat Ltd. is awaited.
6. The counsel for Ashoka Technologies and others seeks time to obtain instructions.
7. Since the suits, as per 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, are liable to be transferred, it is not deemed necessary to await instructions before this Court. The needful can be done before the concerned District Court.
8. The suits, as aforesaid, are for recovery of money with address of Ashoka Technologies and others being of Mayapuri Industrial Area, Phase-I, New Delhi and the address of Rathi Ispat Ltd. being of Laxmi Nagar, Delhi.
9. Since the claim in CS(OS) No.1231/2005 is the substantive claim and the defendant Rathi Ispat Ltd. therein is situated at Laxmi Nagar, Delhi, it is deemed expedient that both the suits are tried by the Court within whose jurisdiction the office of Rathi Ispat Ltd. at Laxmi Nagar, Delhi falls i.e. District Judge (East), Karkardooma Courts, New Delhi.
10. The suits are accordingly transferred to the Court of District Judge (East), Karkardooma Courts, New Delhi.

11. The parties/counsels to appear before the Additional District Judge / District Judge (East), Karkardooma Courts, New Delhi on 29th November, 2016.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 15, 2016

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