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

+ TR.P.(C.) 47/2016

PACIFICA INFRASTRUCTURE
COMPANY PVT LTD

..... Petitioner

Through Ms.Princy Ponnann, Advocate.

versus

JANAK DATWANI AND ORS

..... Respondents

Through Mr.Ashish Rana, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

11.07.2016

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1. The present petition is filed seeking transfer of the suit bearing CS(OS) No.1798/2011 titled as *Janak Datwani vs. Pacifica Infrastructure Company Private Ltd. & Ors.* from the court of Mr.Anil Antil, ADJ-05 (South East District), Saket District Courts to the court of District and Sessions Judge (New Delhi District), Patiala House Court. The said case was listed for today before the Saket District Court.

2. The genesis of the present petition is an order passed by the Division Bench of this High Court in FAO (OS) No. 592/2013 dated 16.05.2014. The Division Bench noted that the rich and mighty often manage to engage the best of lawyers who have an ability to spin a simple thread into complex webs and cause unnecessary delay in the matters. The court noted that ten suits, two of which have been dismissed, have given birth to twelve appeals,

six contempt proceedings, a criminal revision, two review petitions and 83 interim applications filed. Noting the magnitude of the litigations between the parties, this court passed the following orders:-

“29. We therefore direct that CS (OS) No.118/2007, CS (OS) No.1113/2007, CS (OS) No.556/2008, CS (OS) No.1791/2011 and CS (OS) No.244/2013 shall stand consolidated. Evidence would be led in CS (OS) No.118/2007. Since issues have yet to be settled in the said five suits, we would request the learned Single Judge to settle the issues on the FAO (OS) Nos.592/2013 & 593/2013 Page 14 of 15 next date of hearing. We request the learned Judge Incharge of the Original Side to list all the suits before one Hon’ble Judge on the Original Side. We direct that trial in the suits which are consolidated shall commence as expeditiously as possible and that decisions may be taken in interim applications as per the calendar of the Court, but pendency of the applications should not come in the way of the consolidated suits proceeding to trial.”

3. Learned counsel appearing for the parties submit that there is a small typographical error in the order passed by the Division Bench in the para reproduced above i.e. one of the suits is mentioned as CS(OS) 1791/2011 which should actually be read as CS(OS) 1798/2011.

4. The present petition states that the suit which is now sought to be transferred from the Saket District Court is also connected with the dispute which was mentioned by the Division Bench in the aforesaid judgment dated 16.05.2014 and hence, it would be in the interest of justice, that said suit be also consolidated and heard along with the suits mentioned by the Division Bench which are now pending in the Patiala House Court.

5. Learned counsel for respondent No.1 has entered appearance. None of the other respondents are represented. However, in view of the order passed by the Division Bench dated 16.05.2014, it would be appropriate that the

present suit which was the subject matter of the transfer petition be also transferred to the court of Patiala House Court from the court of Mr. Anil, ADJ-05 (South East District), Saket District Courts and heard along with the different suits as mentioned by the Division Bench in the para reproduced above. Accordingly, the suit i.e. CS(OS) 1768/2011 titled as *Janak Datwani vs. Pacifica Infrastructure Company Private Ltd. & Ors.* be transferred from the court of Mr. Anil Antil, ADJ-05 (South East District), Saket District Courts to the court of Ms. Rekha, ADJ-05, (New Delhi District), Patiala House Court, who is also hearing other suits mentioned above.

6. With these observations, the petition stands dismissed.

JAYANT NATH, J

JULY 11, 2016

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