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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 2917/2012
SOM NATH PROPRIETOR M/S SMMOHINI DIAMONDS..... Plaintiff
Through : Mr. Mohit Monga, Advocate

versus

M/S H DIPAK & CODefendant
Through : None.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% **07.01.2016**

1. Vide order dated 20.1.2015, the present suit was dismissed in default and for non-prosecution as none had appeared for the plaintiff on the said date and the date prior thereto.
2. Pertinently, till date the plaintiff has not filed an application for seeking restoration of the suit or recall of the order dated 20.1.2015. Instead, the plaintiff has filed an application asking for transfer of the present suit to the District Judge (Central District), Tis Hazari Courts for purposes of recording the evidence. When there is no suit before the Court, the question of recording of evidence does not arise.
3. At this stage, counsel for the plaintiff states that vide order dated 24.10.2013, issues were framed in the present suit and in the connected suit, registered as CS(OS)No.303/2012 with directions that
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the plaintiff in CS(OS)No.303/2012 shall lead the evidence first. Further, both the suits were consolidated as the subject matter of the suits was found to be the same.

4. In view of the Notification No.27187/DHC/Orgl. dated 24.11.2015, issued under Section 4 of the Delhi High Court (Amendment) Act, 2015 (Act 23 of 2015), at the request of counsel for the plaintiff, the present suit with the pending application is transferred to the Court of the District Judge (Central District), Tis Hazari Courts Complex for further proceedings before the competent court on 30th March, 2016.

5. As none is present for the defendant, counsel for the plaintiff shall give a written intimation of the next date of hearing fixed before the concerned court to the counsel for the defendant and place on record the proof of intimation.

JANUARY 07, 2016
sk/ap

HIMA KOHLI, J