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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 543/2015 & C.M. No.10380/2015

THE GARHWAL HITESHINI SABHA (REGD)

..... Petitioner

Through Mr. Suhail Dutt, Sr. Adv. with Mr.
J.S. Rawat, Mr. K.S. Panwar and Mr.
S.S. Lingwal, Advs.

versus

M/S ECONOMY SALES & ANR

..... Respondents

Through Mr. Sanjiv Bahl and Mr. Eklavya
Bahl, Advs.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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03.05.2016

After some arguments, it has been agreed that the impugned order be set aside. It is accordingly set aside. The first suit which has been filed by the non-applicant (M/s Economy Sales and Anr) seeking recovery of Rs.85 lacs with the alternate prayer that the possession of the non-applicant be protected in the suit, will be treated as the lead suit. This is suit No. 1712/2008. The second suit is a suit for possession which has been filed by Garhwal Hiteshini Sabha (regd.). This is suit No. 178/2011.

Both the parties have agreed that both the suits be clubbed together and since the first suit will be treated as the lead suit, the evidence will be recorded in that suit and will be read in the second suit as well. This Court has also been informed that the first suit is at the stage of evidence wherein in the second suit although pleadings are complete issues are yet to be framed.

In this background, the Trial Court will continue with the progress in the aforementioned suits.

This Court has further been informed that the second suit which is a suit for possession is pending before the Court of Additional District Judge, Central, Tis Hazari Court. That suit will be transferred to the Court of learned Additional District Judge where the first suit is stated to be pending. For the said purpose of transfer, the parties will appear before the Additional District and Session Judge, Central, Tis Hazari on 23.05.2016 at 10:30 am who will pass appropriate orders of transfer of the second suit i.e. suit for possession to the Court where the first suit (suit for recovery) is pending.

Petition disposed of.

INDERMEET KAUR, J

MAY 03, 2016

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