

\$~17.

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

+ **CS(COMM) 23/2015**

ULIKE ESTATES PVT LTD

..... Petitioner

Through: Mr. Amarjeet Singh, Advocate

versus

SH PRAVEEN KHANNA & OTHERS

..... Respondent

Through: Mr. Khushbir Singh for D-1
Mr. M.K. Malhotra for D-3

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
04.05.2016

%

The written statement of defendant no.3 is on record. Counsel for defendant no.3 states that he shall pay the costs positively by tomorrow. Counsel for defendant no.1 states that he has filed the written statement vide diary no.132792 today in the registry. Let the same be brought on record. The delay in filing the written statement is condoned. Defendant no.2 is present, who states that the written statement has also been filed by his counsel Mr. Anand Maheshwari. However, the same has not come on record.

Counsel for the plaintiff states that he has not received a copy of the written statement of defendant no.2. Let the same be brought on record

within two days with copy to counsel for the plaintiff. The plaintiff may file the replication to all the written statements within six weeks.

It is seen that the present suit does not raise a commercial dispute since the agreement relates to a residential property. Merely because the plaintiff is a builder is no reason to assume that the disputes raised in the suit are commercial in nature. That cannot be a factor to determine the nature of the suit in view of the expression contained in Section 2(1)(c) of the Commercial Courts Act. Accordingly, the suit is liable to be transferred to the District Court.

List on 21.07.2016 before the District Court (North-West), Rohini Courts, New Delhi. Since all the parties are present, no further notice is required to be given.

VIPIN SANGHI, J

MAY 04, 2016

sr