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

+ **TR.P.(CRL.) 14/2016**

M/S MOVIE TIMES CINEPLEX PVT LTD

..... Petitioner

Through: Mr. Davinder N Grover, Advocate

versus

SUNIL KUMAR MISHRA & ANR

..... Respondent

Through: Ms. Anita Abraham, APP for State

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

02.09.2016

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None appears for the respondent when the matter is called out. Accordingly, I proceed to hear learned counsel for the petitioner and the learned APP.

The petitioner has preferred the present transfer petition seeking clubbing/ transfer of complaint case no.11988/1/10 from the court Ms. Meenu Kaushik, MM, Rohini and complaint case no.14/1/12 in the court of Ms. Poorva Sarin, MM South District, Saket, in the court of equivalent jurisdiction of a civil court.

The brief matrix is that respondent no.1 has preferred a complaint u/s 138 of Negotiable Instruments Act which is pending vide CC No.11988/1/10 from the court MM Rohini. On the other hand, the petitioner has preferred a complaint under section 200 Cr PC u/s 406/420/468 IPC in respect of the

same cheque.

Learned counsel for the petitioner submits that both the proceedings relate to the same cheque and the defence of the petitioner in the proceedings under section 138 of the Act is the positive case of the petitioner in his complaint case. Learned counsel submits that both the cases are at the stage of recording of evidence.

There is no opposition to the present petition and even otherwise, in my view, the present is a fit case for clubbing of the two cases, since the same would lead to a fair and impartial trial and also it would tend to general convenience of the parties and witnesses.

Accordingly, the aforesaid two cases are clubbed. The petitioner's complaint case no.14/1/12 titled Movie Time Cineplex Pvt. Ltd. v Sunil Kumar Mishra presently pending in the court of learned MM-01, South District, Saket stands transferred to the court of the learned MM, Rohini, Delhi hearing compliant case no.11988/1/10.

The petition stands disposed of.

VIPIN SANGHI, J

SEPTEMBER 02, 2016

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