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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(C.) 16/2017**
ALLIANCE EDUCARE & RESEARCH PVT LTD..... Petitioner

Through: Ms. Rita Kumar, Adv.

Versus

LAXMAN PUBLIC SCHOOL SOCIETY & ANR..... Respondents

Through: Mr. Sanjiv Kakra & Mr. Irfan Ahmed,
Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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11.10.2017

1. Transfer, in exercise of powers under Section 24 of the CPC, is sought of CS-DJ/209413/2016 titled "Alliance Educare & Research Pvt. Ltd. Vs. Laxman Public School Society & Anr." pending in the Court of Sh. Ajay Pandey, Additional District Judge (South), Saket Courts, New Delhi to this Court, owing to pendency in this Court of CS(OS) No.1871/2015 titled "Chip Education Pvt. Ltd. Vs. Laxman Public School Society & Anr." in this Court.
2. Notice of the petition was ordered to be issued and the counsel for both the respondents appears.
3. The counsel for the respondents on enquiry states that the respondents oppose the transfer.
4. The counsel for the petitioner states that the plaintiff in the two suits, though sister concerns, are different and had different agreements though with the same defendants and both suits are for recovery of monies due to the plaintiff in each suit under its respective agreement with the defendants.

5. If that be so, then it appears that separate evidence will have to be led in both the suits for the plaintiff in each suit to prove its claim against the defendants. The same does not call for transfer of the suit pending before the Additional District Judge to this Court.

6. On enquiry, it is informed that issues have not been framed in either of the suits.

7. Thus, at this stage, it cannot be said that there are any common issues for adjudication in both the suits.

8. The petition is thus dismissed. However, if after framing of issues, it is felt that there is a possibility of common evidence being led in the suits, the petitioner shall have liberty to apply again.

No costs.

RAJIV SAHAI ENDLAW, J

OCTOBER 11, 2017

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