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

+ TR.P.(C.) 73/2016

H.S. OBEROI BUILDTECH PVT LTD

..... Petitioner

Through: Mr. S.K. Bhaduri, Mr. Prem Prakash
and Ms. Vandana, Advs.

Versus

MUKESH SAWHNEY

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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18.09.2017

1. Transfer in exercise of powers under Section 24 of the Code of Civil Procedure, 1908 is sought of CS No.104/2016 titled *Sh. Mukesh Sawhney Vs. M/s H.S. Oberoi Buildtech Pvt. Ltd.* now stated to be pending in the Court of Ms. Vineeta Goel, Additional District Judge (ADJ), Saket Courts, New Delhi to the Court of Ms. Manjusha Wadhwa, ADJ, Tis Hazari Courts, Delhi to be tried simultaneously with CS No.513/2016 *M/s H.S. Oberoi Buildtech Pvt. Ltd. Vs. Sh. Mukesh Sawhney* pending in that Court.
2. Notice of the petition was ordered to be issued.
3. Though several dates have elapsed but neither has anyone appeared for the respondent nor is the respondent reported to be served.
4. The counsel for the petitioner however has filed an affidavit of service though report is of dasti summons having not been collected.
5. Believing the counsel for the petitioner and holding him responsible therefor, the counsel for the petitioner has been heard.

6. It is informed that the two suits are cross-suits and both were pending in this Court before the same Hon'ble Judge but on enhancement of minimum pecuniary jurisdiction of this Court have been sent to different Subordinate Courts.

7. On enquiry, it is informed that while the suit at Saket Courts is listed on 10th October, 2017 for hearing of arguments on the application for leave to defend, the suit in the Tis Hazari Courts is at the stage of filing of replication and for framing of issues on 31st October, 2017.

8. To prevent derailing the hearing of arguments on leave to defend application, it is deemed appropriate that instead of transferring the suit in the Saket Courts to Tis Hazari Courts, the Tis Hazari Courts suit be transferred to Saket Courts.

9. The counsel for the petitioner is agreeable thereto.

10. The petition is allowed. CS No.513/2016 titled ***M/s H.S. Oberoi Buildtech Pvt. Ltd. Vs. Sh. Mukesh Sawhney*** now pending in the Court of Ms. Manjusha Wadhwa, ADJ, Tis Hazari Courts, Delhi and stated to be listed next on 31st October, 2017 is directed to be transferred to the Court of Ms. Vineeta Goel, ADJ, Saket Courts, New Delhi before whom CS No.104/2016 titled ***Sh. Mukesh Sawhney Vs. M/s H.S. Oberoi Buildtech Pvt. Ltd.*** listed next on 10th October, 2017 is pending.

11. An endeavour be made that the file of the transferred suit reaches the transferee Court before 10th October, 2017; however it is clarified that if the same does not happen, the same ought not to derail the hearing of the

arguments on the application for leave to defend which is to be decided *de hors* the other suit.

12. The petition is disposed of.

A copy of this order be given dasti under the signatures of the Court Master.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 18, 2017

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