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

+ **TR.P.(C.) 100/2016**

TAURANT PROJECTS LTD

..... Petitioner

Through: **Mr.Raman Gandhi, Advocate.**

versus

BAKSHI THE DRILLER

..... Respondent

Through: **None.**

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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29.05.2017

1. This transfer petition has been filed under Section 24 of the Code of Civil Procedure, 1908 seeking transfer of the CS DJ No.578405/2016 titled as '*Taurant Projects Ltd. vs. Bakshi the Driller*' pending in the Court of Sh.Prashant Kumar, ADJ, North-West District, Rohini Court, Delhi to the Court of Smt.Raj Rani, ADJ, West District, Tis Hazari Court, Delhi where the connected matter i.e. CS DJ No.610064/2016 titled as '*Bakshi the Driller vs. Taurant Projects Ltd.*' is pending.

2. Notice of the petition was issued to the respondent.

3. Today none has appeared on behalf of the respondent. Even reply to the transfer petition has not been filed by the respondent.

4. Learned counsel for the petitioner submits that during the pendency of this transfer petition, the Presiding Officers of both the Courts are changed and as on date, CS DJ No.578405/2016 titled as '*Taurant Projects Ltd. vs.*

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Bakshi the Driller’ is pending in the Court Mr.Manish Gupta, ADJ, North-West District and CS DJ No.610064/2016 titled as ‘*Bakshi the Driller vs. Taurant Projects Ltd.*’ is pending in the Court of Mr.Anil Kumar Sisodia, ADJ, West District.

5. Learned counsel for the petitioner submits that the above noted two suits were initially instituted at High Court of Delhi but after enhancement of pecuniary jurisdiction of District Courts, both the suits were transferred to the District Courts.

6. Learned counsel for the petitioner submits that CS DJ No.578405/2016 titled as ‘*Taurant Projects Ltd. vs. Bakshi the Driller*’ has been filed by the petitioner and CS DJ No.610064/2016 titled as ‘*Bakshi the Driller vs. Taurant Projects Ltd.*’ has been filed by the respondent and subject matter of both the suits is same which falls within the jurisdiction of West District. He further submits that on enhancement of pecuniary jurisdiction of the District Courts, though CS DJ No.610064/2016 titled as ‘*Bakshi the Driller vs. Taurant Projects Ltd.*’ filed by the respondent herein has been transfer to the Court in West District, Tis Hazari Court, Delhi vide order dated 17th December, 2015, but the civil suit filed by the petitioner herein i.e. CS DJ No.578405/2016 titled as ‘*Taurant Projects Ltd. vs. Bakshi the Driller*’ has been transferred to the Court in North-West District, Rohini Court, Delhi vide order dated 8th February, 2016. He prays that since the Court of ADJ at West District has the territorial jurisdiction to try the CS DJ No.578405/2016, the said suit may be transferred to the Court of ADJ, West District, Tis Hazari Court, Delhi where the connected matter i.e. CS DJ No.610064/2016 titled as ‘*Bakshi the Driller vs. Taurant Projects Ltd.*’ is pending.

7. In view of the submissions made by learned counsel for the petitioner and that the subject matter of both the suits falls in West District, the civil suit bearing CS DJ No.578405/2016 titled as '*Taurant Projects Ltd. vs. Bakshi the Driller*' is withdrawn from the Court of Mr.Manish Gupta, ADJ, North-West District, Rohini Court and transferred/assigned to the Court for Sh.Anil Kumar Sisodiar, ADJ, West District, Tis Hazari Court, Delhi where connected matter i.e. CS DJ No.610064/2016 titled as '*Bakshi the Driller vs. Taurant Projects Ltd.*' between the same parties is pending, for disposal in accordance with law

8. The petition is allowed.

9. Parties are directed to appear before the transferee Court on 20th July, 2017.

10. Case file of CS DJ No.578405/2016 titled as '*Taurant Projects Ltd. vs. Bakshi the Driller*' be sent to the transferee Court on or before 20th July, 2017.

11. A copy of this order be sent to the courts concerned and be also given dasti to learned counsel for the petitioner.

PRATIBHA RANI, J.

MAY 29, 2017

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