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

+ **TR.P.(C.) 79/2017**

VARUN KRISHAN VIJ

..... Petitioner

Through: Mr. Shivam Sharma, Adv.

Versus

AJAY CHAUDHARY & ANR

..... Respondents

Through: Mr. S.P. Malik, Adv. for R-1.

Mr. Vinjay Shankar, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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14.09.2017

1. Transfer in exercise of powers under Section 24 of the Code of Civil Procedure, 1908 (CPC) is sought of Civil Suit No.9142/2016 titled "Alethea Infracon Pvt. Ltd. Vs. Varun Krishan Vij & Anr." pending in the Court of Ms. Vineeta Goyal, Additional District Judge (ADJ), South District, Saket Courts, New Delhi to the Ordinary Original Civil side of this Court for trial along with CS(OS) No.158/2017 titled "Ajay Chaudhary Vs. Varun Krishan Vij" pending in this Court.
2. Notice of the petition was issued and the counsel for the respondent no.1 and the counsel for the respondent no.2 appear.
3. Both counsels oppose transfer.
4. The counsels were heard yesterday and have further been heard today.
5. Issues have not been framed in either of the suits till now. In fact, the written statements in the suits also appear to have been filed since the filing of this petition, are not on record.

6. The admitted position is i) that the petitioner Varun Krishan Vij had agreed to sell his immovable property to the respondent no.1 Ajay Chaudhary and rights in the agreement to purchase were assigned by respondent no.1 Ajay Chaudhary to respondent no.2 Alethea Infracon Pvt. Ltd.; and, iii) that the CS(OS) No.158/2017 of this Court has been filed by respondent no.1 Ajay Chaudhary against Varun Krishan Vij for recovery of the amounts paid under the Agreement to Sell. The suit which is sought to be transferred has been filed by respondent no.2 Alethea Infracon Pvt. Ltd. against petitioner Varun Krishan Vij and respondent no.1 Ajay Chaudhary for recovery of amounts paid by it under the agreement.

7. It is deemed appropriate to dispose of this petition with liberty to the counsels to apply after the issues in both the suits have been framed.

8. Dismissed with liberty aforesaid.

No costs.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 14, 2017

‘gsr’..