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

+ **TR.P.(C.) 175/2016**

**AUSAF HAIDER** ..... Petitioner

Through: Mr. Ajit Upadhyay, Adv.

Versus

**M/S LIFELONG MEDITECH LIMITED** ..... Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

% **01.09.2017**

1. Transfer is sought of Suit No.23879/2015 pending in the Court of Sh. Rakesh Kumar, Additional District Judge (ADJ), Saket Courts, Delhi to this Court for being tried along with CS(OS) No.1038/2014 of this Court.
2. Notice of the petition was ordered to be issued but the petitioner has not taken any steps for service of the respondent.
3. The counsel for the petitioner has drawn attention to the order dated 16<sup>th</sup> September, 2016 in CS(OS) No.1038/2014 where it was the contention of the counsel for the petitioner who is the defendant in that suit that he will apply for transfer of the subject suit to this Court.
4. The petitioner has not filed the copy of the plaint in either of the two suits. Without perusing the plaints, the order of transfer cannot be passed on mere asking.
5. Even otherwise, I am of the opinion that the power under Section 24 of the Code of Civil Procedure, 1908 for transfer of any suit pending in the subordinate Courts to this Court for trial along with any suit pending in this

Court is best exercised by the Suit Court and not by way of independent transfer petition.

5. Observing the same, the petition is dismissed. The parties, if so desire, can make an appropriate request in CS(OS) No.1038/2014.

No costs.

**RAJIV SAHAI ENDLAW, J**

**SEPTEMBER 01, 2017**

‘gsr’..