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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ TR.P.(C.) 140/2017 & CM No.29947/2017 (for stay)
NISHI RAWAT Petitioner

Through: Mr. Suhail Sehgal, Adv.

Versus

K.PURUSHOTAM & ORS Respondents

Through: Mr. Ashwani Kumar, Adv. for R-1 to 5.
Mr. Anil K. Aggarwal, Adv. for R-7.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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23.10.2017

1. This order is in continuation of the earlier order dated 22nd August, 2017.
2. Though only the respondents no.2,6,7&8 and Mr. Devendra Kejriwal, Advocate are reported to be served and the report of service of respondents no.3,4,5&9 is awaited but Mr. Ashwani Kumar, Advocate for respondents no.1 to 5 appears and seeks time to file reply.
3. The counsel for the respondent no.7 Dr. Harish Saxena states he has no objection.
4. The counsel for the petitioner states that the respondent no.6 is the son of the petitioner and has no interest adverse to the petitioner.
5. None appears for the respondents no.8 and 9 and of which, respondent no.8 has been served.
6. It is not deemed appropriate to keep the matter pending for service of respondent no.9.

7. The objection of the counsel for the respondents no.1 to 5 to the transfer sought has been enquired into.

8. The counsel for the respondents no.1 to 5 states that the parties in all the suits are not the same and the suits are also pending before different Courts of Civil Judge and Additional District Judge (ADJ), depending upon the pecuniary valuation of the suits.

9. It is however not disputed that all the suits are for compensation for defamation.

10. The counsel for the respondents no.1 to 5 states that the cause of action for the different suits is different. On enquiry, the counsel for the respondents no.1 to 5 states that the defamation affected of different respondents no.1 to 5 is in a different manner, by sending defamatory communications to the persons in whose eyes the standing of the said respondents makes a difference. Else, it is stated that, notwithstanding the respondents no.1 to 5 / plaintiffs being exonerated from the complaint made to the police against them, communications informing of the said police complaint against respondents no.1 to 5 having been published.

11. As far as the contention of the counsel for the respondents no.1 to 5 of the suits pending before the Court of the Civil Judge being not transferrable under Section 24 of the CPC to the Court of the ADJ is concerned, the said question is no longer *res integra*. It was held in ***Shriram Pistons & Rings Ltd. Vs. Manju Awasthy*** 68 (1997) DLT 112 that Section 15 of the CPC cannot be a bar to exercise of powers under Section 24 of the CPC and for the sake of expediency, the suit pending in the Court of minimum pecuniary jurisdiction can be transferred to a Court of higher pecuniary jurisdiction.

12. As far as the other arguments of the counsel for the respondents no.1 to 5 are concerned, in exercise of powers under Section 24 of the CPC, this Court is not consolidating all the suits which is the domain of the Suit Court. However, since admittedly suits arise out of the same transaction, so as to prevent conflicting findings therein, it is deemed appropriate that the same are tried by the same Court. It is for that Court to, depending upon the facts of the case, determine whether the suits can be consolidated for the purpose of trial or not.

13. No merit is thus found in the objections raised to the transfer.

14. Mr. Ashwani Kumar, Advocate for the respondents no.1 to 5 then states that Mr. Devendra Kejriwal, Advocate aforesaid is the main counsel and seeks adjournment.

15. No adjournment on this ground can be granted.

16. The petition is thus allowed.

17. The following suits:

Sl. No.	Particulars of the Case	Name of the Court
01	Suit No. CS/3461/2016	Mr. Talwant Singh, District & Session Judge, East District, Karkardooma Courts, Delhi.
02	Suit No.59150/2016	Sh. Naveen Kumar Kashyap, JSCC/ASJ/CJ, New Delhi District, Patiala House Courts, New Delhi.

are transferred to the Court of Ms. Veena Rani, Additional District Judge (ADJ)-04, Patiala House Courts, New Delhi where following suits are stated

to be pending and listed next on 22nd November, 2017:

Sl. No.	Particulars of the Case	Name of the Court
03	Suit No. CS/59369/2016	Ms. Veena Rani, Additional District Judge (ADJ)-04, Patiala House Courts, New Delhi.
04	Suit No.59371/2016	Ms. Veena Rani, Additional District Judge (ADJ)-04, Patiala House Courts, New Delhi.

18. The Transferor Courts to forthwith physically transfer the file of the transferred suits.

19. The parties to appear before the Transferee Court on 22nd November, 2017 when the suits already pending before that Court are stated to be listed.

20. The petition is disposed of.

No costs.

RAJIV SAHAI ENDLAW, J

OCTOBER 23, 2017

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