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

+ **TR.P.(C.) 22/2018 & CM No. 5469/2018**

M/S HIGHWAY SERVICE STATION Petitioner

Through: Mr. Sanat Kumar, Sr. Adv. with Mr.
Adil Khan, Mr. Siddharth Khattar &
Ms. Shriya Advs.

versus

BHARAT PETROLEUM CORPORATION LTD & ANR

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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20.03.2018

The petitioner had instituted suit (now registered as 7660/16 of 2005) against the first respondent seeking reliefs in the nature of declaration and permanent injunction qua the service station at Rohtak Road, New Delhi run under the licence of the said first respondent. The second respondent was impleaded later as second defendant in the said suit and is contesting the same. The second respondent had also filed another suit, it being presently registered as CS (Commercial) No. 277/2016 initially only against the first respondent seeking reliefs in the nature of declaration, possession, mandatory and permanent injunction qua the same service station. On the application of the petitioner, he was impleaded as second defendant in the said suit by order dated 25.11.2017.

The parties being common, the subject matter also being common, the issues being similar if not identical, it is just and proper that both the

aforesaid suits are decided by the same court. Therefore, the prayer is granted. The first civil suit presently pending in the court of Civil Judge-04, West at Tis Hazari Courts, Delhi is withdrawn and transferred to the commercial division of this Court to be taken up alongside the second aforesaid suit.

The transferor court shall send the file complete in all respects to the transferee court after fixing an appropriate date for the parties to appear there.

The petition and the application filed therewith are disposed of in above terms.

R.K.GAUBA, J

MARCH 20, 2018
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