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

+ TR.P.(C.) 45/2018
SHARDA NAYAK

..... Petitioner

Through: Mr. Sukant Vikram and Mr. Shaurya
Kuthiala, Advs.

versus

V K SHUNGLU & ORS

..... Respondents

Through: Mr. Puneet Mittal, Sr. Adv. with Ms.
Vasudha Bajaj, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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26.04.2018

The petitioner has instituted two suits, both on the original side of this Court, the first suit against the respondents having been filed on 02.04.2014 and the second suit instituted in September against the respondents and some other party. The first suit (registered as CS(OS) No. 1011/2014) has since been transferred to the district Court on account of change of pecuniary jurisdiction and is now pending as CS No. 161/2014 (re-numbered as CS/DJ/208647/2016) on the file of the Court of additional district Judge-05, South West, Saket Court, New Delhi. The second suit continues to be pending on the original side in this Court is CS(OS) No.2829/2015. Concededly, the issues which have been framed in both the suits give rise to different questions of fact and law. But then going by the averments in both the suits, background facts being common, the petitioner

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having attributed *malafide* to the respondents in the impugned acts first by her removal from the post of Chairman and member of management committee and later by her removal from the life membership of the society, it is deemed proper that both the suits be brought before the same Court.

This petition is allowed. The civil suit as above-mentioned pending in the district Court is withdrawn from there and transferred to the original side of this Court. Whether or not the two suits are to be consolidated is a question which will have to be addressed by the Court concerned. The transferor Court shall send the file for it to be listed on the original side of this Court by fixing an appropriate date.

The petition is disposed of in above terms.

R.K.GAUBA, J

APRIL 26, 2018/uj