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

+ **TR.P.(C.) 50/2019**

FAVOURITE SMALL INVESTMENT CO LTD Petitioner

Through Ms Pinki, Advocate.

versus

SATISH KHOSLA

..... Respondent

Through Mr Preet Pal Singh, Ms Prnam Mehta,
Mr Saurabh Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **08.05.2019**

CM APPL. 18008/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

TR.P.(C.) 50/2019 & CM APPL. 18007/2019

3. The petitioner has filed the present petition under Section 24 of the Code of Civil Procedure, 1908, *inter alia*, praying that the Civil Suit No. 601654/2016 (captioned 'Favourite Small Investment Ltd v. Smt. Satish Khosla') be transferred from the Court of the learned Civil Judge, Senior Division (Central District), Tis Hazari Courts to the Court of Ms Sugandha Aggarwal, ADJ-West, Delhi.

4. The only reason for seeking such transfer is that another suit being Suit No. 608386/2016 (captioned Favourite Small Investment Lt. v. Smt Satish Khosla) filed by the petitioner is pending before the said Court.

5. It is seen that the said suit (Civil Suit No. 608386/2016) was filed before this Court in the later part of the year 2003. This Court is informed that the suit was then numbered as CS (OS) 31/2004. The defendant therein had filed a written statement in the year 2004 referring to a decree of eviction obtained in the year 1996.

6. The said suit was subsequently transferred to the Court of the learned ADJ, Tis Hazari Courts, on account of the enlargement of pecuniary jurisdiction. The evidence in the said suit had been led and the same is at the stage of final arguments. At this stage, the petitioner filed another suit (CS Civil Suit No. 601654/2016) seeking to challenge the eviction decree. This suit has been filed almost 14 years after the petitioner was made aware of the eviction decree as, admittedly, the same was mentioned in the written statement filed on behalf of the defendant in CS (OS) 31/2004 (subsequently numbered as Civil Suit No. 608386/2016).

7. In view of the above, the petitioner now seeks that both the suits be tried together. Given the facts as noted above, this Court is not persuaded to accept the aforesaid contention. The first suit (CS (OS) 608386/2016) is at the stage of final hearing and it would not be apposite to now club the two suits.

8. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

MAY 08, 2019

pkv