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

+ **TR.P.(C.) 5/2020**

**SIMBHAOLI SUGARS LTD**

..... Petitioner

Through: Mr.Sachin Datta, Sr. Adv. with  
Mr.Sushil Shukla, Advs.

versus

**DR GSC RAO**

..... Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**

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**20.01.2020**

**CM 1510/2020**

Exemption allowed, subject to all just exceptions.

**TR.P.(C) 5/2020 & CM 1511/2020**

This petition has been filed by the petitioner seeking transfer of the Suit being CS No.59007/2016 tilted ***Dr.GSC Rao vs. Simbhaoli Sugars Ltd.*** pending before the Court of the learned ADJ -04, Patiala House Courts to this Court and to be consolidated along with Suit being CS No.543/2018 titled ***Integrated Casetech Consultants Pvt. Ltd. & Ors. vs. Dilip Shantilal & Ors.*** pending before this Court.

The learned senior counsel for the petitioner submits that in the Suit filed by the petitioner that is pending before this Court, submissions on termination of the employment of the respondents is also urged. He submits that in the Suit filed by the respondents, the respondents are claiming the dues on account of termination of their services. He submits that therefore, the issues in the two Suits are common.

I have considered the submissions made by the learned senior counsel for the petitioner.

Admittedly, the Suit filed by the respondent was transferred to the District Court in the year 2016. Evidence in the said Suit has already been recorded and the Suit is now listed for final arguments. One of the consideration for transfer of the Suit is also to ensure that the parties do not have to lead evidence twice over on the same issues and there is no conflict of judgment. As the Suit filed by the respondents is at the final stage and evidence already having been recorded, therefore, the primary consideration for transfer of the Suit no longer survive. The effect of the judgment rendered in that Suit can be considered in the Suit which is filed by the petitioners and is pending before this Court.

In view of the above, I find no merit in the present petition and the same is dismissed.

**NAVIN CHAWLA, J**

**JANUARY 20, 2020**  
**RN**