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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(C.) 7/2020**

M/S HIMANGI ENTERPRISES Petitioner
Through: Mr.Harish Malhotra, Sr. Adv. with
Mr.Vikas Arora, Adv.

versus

KAMALJEET SINGH AHLUWALIA Respondent
Through: Mr.Sandeep Sethi, Sr. Adv. with
Mr.Preetpal Singh, Mr.Sameer Choudhary,
Mr.Palash Agarwal, Advs

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **20.01.2020**

CM 1948/2020

Exemption allowed, subject to all just exceptions.

TR.P.(C) 7/2020 & CM 1947/2020

This petition has been filed by the petitioner seeking transfer of 28 suits all titled as *Kamaljeet Singh Ahluwalia vs. Himangini Enterprises* pending before the Court of the learned ADJ, Saket Courts to this Court to be consolidated along with suit bearing CS (Comm) No.1218/2018 titled *Rajesh Arora & Ors. vs. Kamaljeet Singh Ahluwalia & Ors.*

Admittedly, the suits filed by the respondents were prior in time to the suit filed by the petitioner herein. In the suit filed by the petitioner, the following averments were made:

“16. That the defendants did not comply with the terms of the MOU despite repeated requests. The defendant No.1 failed to withdraw the cases filed against plaintiff No.4. Thus after waiting for almost 30 months, the Plaintiff NO.4 attempted to place the MOU dated 12.10.2015 on record in the suits filed by the Defendant No.1 for ejectment against Defendant NO.4, by filing amendment application thereby seeking amendment of its written statement. In reply filed by the Defendant No.1 herein, he admitted execution of the MOU however tried to make up a story of force and coercion. The prayer for amendment of Written Statement was declined by the Ld. Trial Court at Saket District Courts, and the said decision was also upheld by the Hon'ble Delhi High Court by holding that the said MOU is in an independent transaction between Plaintiff No.1 and Defendant NO.1 and since plaintiff NO.1 is not a party in the suits which has been filed by the defendant No.1 against the plaintiff No.4 at the Saket District Courts as such MOU cannot be made part of the suits in question. Copy of the reply filed by the defendants herein to the application under Order VI Rule 17 of the CPC before the trial court, order dated 19.07.2018 passed by Ld. Trial court and copy of order dated 03.08.2018 passed by Hon'ble High Court of Delhi in C.M.(M) No. 880/18 are annexed as Annexure P-5, Annexure P-6 and Annexure 7.”

A reading of the above averments itself shows that the petitioner filed its suit only upon rejection of its application seeking amendment of the written statement in the suit filed by the respondent and the said order having been upheld by this Court.

Even otherwise, the suits have been proceeding separately and in the suits filed by the respondents a decree of ejectment has also been passed and has been given effect to in terms of the order dated

28.11.2018 passed by this Court in CS(COMM) No.1218/2018.

I have also perused the issues framed in CS(COMM) No.1218/2018 and do not find any overlapping issues in the two suits.

I, therefore, find no merit in the present petition and the same is dismissed.

NAVIN CHAWLA, J

JANUARY 20, 2020
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