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

+ **TR.P.(C.) 43/2022**

SHEELA OVERSEAS PVT LTD

..... Petitioner

Through: Mr. Hamid Ali, Advocate.

versus

YOGESH SETH AND ANR

..... Respondents

Through: Mr. Sameer Mendiratta, Advocate

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Date of Decision: 08th July, 2022.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CM APPL.29864/2022 (exemption)

Exemption allowed subject to all just exceptions.

TR.P.(C) 43/2022 & CM APPL.29865/2022 (stay)

1. Present petition has been filed for transfer of Civil Suit No.7899/2016 titled as “Yogesh Seth vs. M/s. Sheela Overseas Pvt. Ltd.” from the Court of Sh. Rakesh Pandit, learned ADJ, Central, Tis Hazari Court to the Court of Sh. Pritam Singh, learned POMACT, West, Tis Hazari Court, New Delhi wherein Civil Suit No.614/2017 titled as M/s. Sheela Overseas Pvt. Ltd. vs. Rohit Seth & Anr. is pending.

TR.P.(C.) 43/2022

Page 1 of 2



2. Learned counsel for both the parties submit that both the suits arise from the same transaction and in order to avoid any contradictory judgment, Civil Suit No.7899/2016 titled as Yogesh Seth vs. M/s. Sheela Overseas Pvt. Ltd. be transferred from the Court of Sh. Rakesh Pandit, learned ADJ, Central, Tis Hazari Court to the Court of Sh. Pritam Singh, learned POMACT, West, Tis Hazari Court, New Delhi where Civil Suit No.614/2017 titled as M/s. Sheela Overseas Pvt. Ltd. vs. Rohit Seth & Anr. is pending.

3. Accordingly, Civil Suit No.7899/2016 titled as Yogesh Seth vs. M/s. Sheela Overseas Pvt. Ltd. is transferred from the Court of Sh. Rakesh Pandit, learned ADJ, Central, Tis Hazari Court to the Court of Sh. Pritam Singh, learned POMACT, West, Tis Hazari Court, New Delhi or his successor Court, West, Tis Hazari where Civil Suit No.614/2017 titled as M/s. Sheela Overseas Pvt. Ltd. vs. Rohit Seth & Anr. is pending. However, the question as to the territorial jurisdiction shall remain open and shall be determined by the Trial Court in accordance with law.

4. Let copy of the order be sent to the Learned Principal District & Sessions Judge (Central) and Learned Principal District & Sessions Judge (West). Parties are directed to appear before the transferee Court on 18th July, 2022.

5. In view of the above, the transfer petition is disposed of.

DINESH KUMAR SHARMA, J

JULY 08, 2022/st

TR.P.(C.) 43/2022

Page 2 of 2