



\$~12

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **TR.P.(C.) 60/2021 & CM APPL.36806/2021 (stay)****DSJ INFRA PROJECTS PVT LTD**

..... Petitioner

Through: Mr. Sudip Sudan, Advocate.

versus

**TEAM COLONISERS PVT LTD**

..... Respondent

Through: Mr. Subhash Chandra, Advocate.

%

*Date of Decision: 03<sup>rd</sup> August, 2022.***CORAM:****HON'BLE MR. JUSTICE DINESH KUMAR SHARMA****J U D G M E N T****DINESH KUMAR SHARMA, J. (Oral)**

1. The present petition has been filed under Section 24 of CPC for transfer of the cases bearing number Civ DJ 379/2016 titled *D.S. J. Infra Projects Pvt. Ltd. vs. M/s. Team Colonisers Pvt. Ltd.*, CS SCJ No. 327/2019 titled *M/s. Team Colonisers Pvt. Ltd. vs. DSJ Infra Projects Pvt. Ltd.* and C.S(COMM) No. 677/2019 titled *M/s. Team Colonisers Pvt. Ltd. vs. DSJ Infra Projects Pvt. Ltd.* to the Court of learned District Judge, (Commercial Courts)-01, Patiala House Courts, New Delhi.

2. Learned counsel for the petitioner submits that all the above mentioned cases may be directed to be tried by one Court so as to avoid any conflicting judgment. Learned counsel for the petitioner further submits that since the parties and issues are the same, there would be multiplicity of proceedings if



these cases are tried by different Courts.

3. Learned counsel for the respondent has opposed this prayer. It has been submitted that CS SCJ No. 327/2019 is pending trial before the Additional Senior Civil Judge, Patiala House Courts, New Delhi. It has been submitted that the other two suits are pending before the learned Additional District Judge, Tis Hazari Courts, Delhi and the learned District Judge, Commercial Courts, Patiala House Courts, Delhi. It has further been submitted that in any case, CS SCJ No. 327/2019 cannot be transferred to the Court of Additional District Judge or the District Judge, Commercial Courts and similarly the cases pending in the Courts of learned Additional District Judge, Tis Hazari and learned Additional District Judge, Patiala House cannot be transferred to the Court of learned Additional Senior Civil Judge. It has also been submitted that the suit pending before the learned District Judge, Commercial Courts is at the stage of final arguments and the another suit pending before the learned Additional District Judge is at the stage of defendants evidence.

4. I consider that there is no ground for transfer of the cases, as has rightly been pointed out by the learned counsel for the respondent that CS SCJ No. 327/2019 cannot be transferred to the Court of learned Additional District Judge and the learned District Judge, Commercial Courts nor the other two cases can be transferred to the Court of learned Additional Senior Civil Judge. The case pending before learned District Judge, Commercial Court is at the stage of final arguments, so there is no point of transferring this case to another Court. Similarly, the suit pending before the learned Additional District Judge is at the stage of defendants evidence. The transferring of cases from one Court to another would only delay the proceedings.

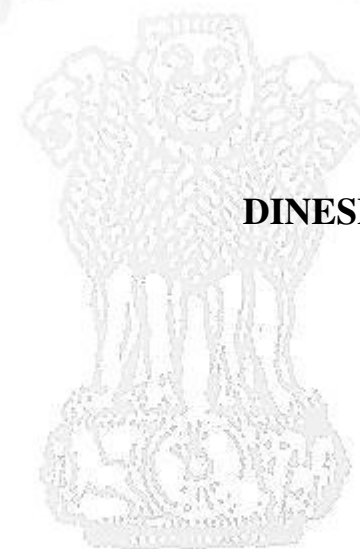


5. Accordingly, in view of the above, I consider that there is no ground for transferring of Civ DJ 379/2016 titled *D.S. J. Infra Projects Pvt. Ltd. vs. M/s. Team Colonisers Pvt. Ltd.*, CS SCJ No. 327/2019 titled *M/s. Team Colonisers Pvt. Ltd. vs. DSJ Infra Projects Pvt. Ltd.* and C.S(COMM) No. 677/2019 titled *M/s. Team Colonisers Pvt. Ltd. vs. DSJ Infra Projects Pvt. Ltd.* to the Court of learned District Judge, (Commercial Courts)-01, Patiala House Courts, New Delhi.

6. Hence, the present petition along with the pending application stands dismissed.

**DINESH KUMAR SHARMA, J**

**AUGUST 03, 2022**  
**st**



न्यायमेव जयते