



\$~21

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

+ **TR.P.(C.) 122/2024 & CM APPL. 42591/2024**

PRAYAG POLYTECH PRIVATE LIMITED & ANR.

.....Petitioner

Through: **Mr.Abhimanyu Garg and Ms.Preety
Makkar, Advs.**

versus

RAJ KUMAR TULSIAN & ANR.

.....Respondents

Through: **Mr.Tej Pratap and Ms.Illashree, Advs
for R-1.
Mr.Mohit Chaudhary and Mr.Kunal
Sachdeva, Advs for R-2.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

20.11.2024

1. This petition was essentially filed for transfer of *CS (Comm.) No.1006/2021* from the Court of learned District Judge, Commercial Court - 01, Central, Tis Hazari Courts to any other Court of competent jurisdiction. As per the averments made in the petition and the arguments advanced by the learned counsel, certain expressions made by the Presiding Officer, during the adjudication of an application under Order 1 Rule 10 of Civil Procedure Code [CPC], 1908, prompted the petitioner to file the instant petition.

2. Without going into the veracity of such averments, the Court was of the view that instead of transferring the matter, the application under Order I



Rule 10 of the CPC filed by the plaintiff can itself be taken up for consideration by this Court. This view was taken bearing in mind the notion of the petitioner and to ultimately dispel even the slightest apprehension of the petitioner to get free and fair trial. Accordingly, the matter was adjourned and today the arguments were advanced by both the parties.

2. After arguing for a while, learned counsel appearing for the plaintiff seeks leave to withdraw the application under Order I Rule 10 CPC, 1908 with liberty to take all pleas as may be available, in accordance with law at an appropriate stage.

3. With the aforesaid liberty, application under Order I Rule 10 of the CPC, 1908 stands dismissed as withdrawn. All rights and contentions, however, are left open.

5. Since application under Order I Rule 10 of the CPC, 1908, which was the fundamental cause of action for the instant petition, itself has been withdrawn, therefore, the petitioner also seeks leave to withdraw the instant transfer petition, reserving rights to agitate any further grievance, if he has at an appropriate stage.

6. Accordingly, the instant transfer petition is dismissed as withdrawn. However, liberty is reserved in favour of the parties to agitate all available grounds at an appropriate stage, if need arises.

PURUSHAINDRA KUMAR KAURAV, J

NOVEMBER 20, 2024

MJ/am