



\$~1

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

+ **TR.P.(C.) 140/2024**

ARVINDER SINGH PURI

.....Petitioner

Through: **Mr. Abhishek Wadhwa, Adv**

versus

ASHMEET SAHNI

.....Respondent

Through: **Mr. Musheer Zaidi and Mr. Raja Choudhary, Adv.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

%

21.11.2024

1. The instant petition under Section 24 (1) of the Code of Civil Procedure, 1908 is preferred by the petitioner seeking transfer of a civil Suit for recovery bearing no. CS SCJ/798/23 titled as “*Shashi Fabrics India vs Arvinder Singh Puri*” pending before the Court of Civil Judge, Saket Courts, South East District, Delhi to the Court of District Judge (Commercial Court)-05, South East District, Saket Courts, New Delhi where the suit for specific performance and recovery bearing no. CS (COMM)22/2024 titled as “*Arvinder Singh Puri vs Ashmeet Sahni*” pending between the same parties.

2. Learned counsel appearing for the petitioner submits that the Civil Suit instituted by the respondent i.e. CS SCJ/798/2023, relates to the same cause of action as in CS (COMM) 22/2024, pending in the Commercial Court. He, therefore, contends that if both the matters are tried together there



would be no conflicting judgments/orders and it will also save time and resources of the judicial system. Further, it is also his case that the transfer of Civil Suit from the Court of Civil Judge to the Court of District Judge (Commercial Court) will be in the interest of justice as the latter has a wider jurisdiction.

3. Learned counsel appearing for the respondent has vehemently opposed the aforesaid submissions and submits that the Civil Suit pending before the Commercial Court is at the final stage and even the final arguments have been heard, whereas, the suit for recovery pending in the Court of Civil Judge is at the nascent stage of evidence.

4. I have heard learned counsel for the parties and have perused the record.

5. It is pertinent to note that it is an admitted fact that both Civil Suits are currently at different stages of the judicial process. The Civil Suit pending before the Commercial Court is at the final stage where the evidence has already been concluded and the matter is fixed for final arguments/pronouncement of judgment, whereas, CS SCJ/798/2023 is at the stage of evidence. Clubbing of both cases together at this stage is bound to cause prejudice to the other party and would not serve the interest of justice.

6. Therefore, the Court is of the considered opinion that the transfer of the Civil Sui bearing no. CS SCJ/798/2023 would not be justified.

7. Accordingly, the instant petition stands disposed of as dismissed.

PURUSHAINdra KUMAR KAURAV, J

NOVEMBER 21, 2024

aks/mjo