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

+ **TR.P.(CRL.) 145/2023**

SAHIL DEWAN

..... Petitioner

Through: **Mr. Gaurav Kumar, Advocate.**

versus

SHUBHANKIT SHARMA

..... Respondent

Through: **None.**

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

17.05.2024

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1. This petition has been filed on behalf of the Petitioner under Section 407 Cr.P.C. read with Section 482 Cr.P.C. and Section 142-A(3) of the Negotiable Instruments Act, 1881 ('NI Act') for transferring/clubbing complaint cases, one pending in the Court of Ms. Padma Landol, MM (NI Act), Patiala House Courts, New Delhi being CC NI Act No.3423/2022 titled '*Sahil Dewan v. Shubhankit Sharma*' and the other complaint case pending before Ms. Swati Malik, MM/NI Act, North District, Rohini Courts, Delhi being CC NI Act No.727/2022, titled '*Sahil Dewan v. Shubhankit Sharma*'. Both the complaints have been filed under Section 138 of the NI Act.

2. It is stated in the petition that two cheques were issued by Respondent No.2 in discharge of his liabilities towards the Petitioner, one bearing No.000065 dated 10.09.2021 for a sum of Rs.2,30,000/- and the other bearing No.002584 dated 27.12.2021 for a sum of Rs.2,30,000/-, which were dishonoured on presentation. The cheques were presented by the Petitioner in two different branches of HDFC Bank, being Mukherji Nagar Branch and K.G.Marg Branch and hence separate complaints were filed in two different



Courts. Petitioner prays that both cases be heard by one Court as they are with respect to the same loan transaction and between the same parties. It is urged that this would be in the interest of parties and will expedite the trial and disposal and would also avoid conflicting judgments, by two Courts. During the course of hearing, learned counsel for the Petitioner submits that the matter being CC NI Act No.727/2022 pending before Rohini Courts be transferred to the Patiala House Courts, where complaint case being CC NI Act No.3423/2022 is listed on 13.08.2024.

3. Having heard learned counsel for the Petitioner, this Court finds merit in the submissions made. Both cases arise out of the same loan transaction and are between the same parties. Thus, if both the cases are tried by one Court it would serve the interest of the parties and will lead to expeditious disposal of both cases, besides the fact that it would obviate the possibility of conflicting judgements.

4. Accordingly, complaint being CC NI Act No.727/2022, titled '*Sahil Dewan v. Shubhankit Sharma*' is transferred from Rohini Courts to Patiala House Courts before the concerned MM, where CC NI Act No.3423/2022 titled '*Sahil Dewan v. Shubhankit Sharma*' is listed on 13.08.2024 and shall be listed before the learned Principal District & Sessions Judge, Patiala House Courts, New Delhi on 23.07.2024 for appropriate orders, with advance intimation to the parties.

5. Petition stands disposed of.

6. Copies of the order be sent to both the Courts for information and necessary compliance.

JYOTI SINGH, J

MAY 17, 2024/shivam