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

+ **TR.P.(C.) 40/2025**

SABHERWAL SERVICE STATION

.....Petitioner

Through: **Mr. Rishabh Duggal and Mr. Ram
Kuber Singh, Advocates.**

versus

RC TOURS AND TRAVELS & ANR.

.....Respondents

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

06.11.2025

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1. As per affidavit of service, respondent nos.1 and 2 have been duly served, however, there is no appearance on behalf of the respondents even though the matter was called twice. As such, respondents are proceeded *ex-parte* and their right to file a response is closed.

2. By virtue of the present petition, petitioner seeks transfer of civil suit bearing number **CS 69 /2020** entitled "***M/s Sabharwal Service Station vs. RC Tours and Travels & Ors.***", pending before the learned District Judge-05, New Delhi, Patiala House Courts to the competent Commercial Court.

3. Considering that the *lis* before the learned Trial Court is a commercial dispute under *Section 2(l)(c)(xviii)* and *Section 2 (1)(i)* of the Commercial Courts Act, 2015, which was inadvertently filed by the petitioner/ plaintiff before an ordinary civil court, and which can be



exclusively tried by a commercial court as also in view of the judgment rendered by a coordinate Bench of this Court in *Namita Gupta v. Suraj Holding* (CM(M) No. 457/2023), and order dated 29.10.2025 passed by this Bench in *ACME Resources Limited v. Sagar Narang* (TR.P.(C)169/2023) the present petition is allowed.

4. In view thereof, Civil Suit bearing number **CS 69 /2020** captioned as “*M/s Sabharwal Service Station v. RC Tours and Travels & Ors.*”, pending before the learned District Judge -05, New Delhi, Patiala House Courts is transferred to concerned Commercial Court, New Delhi, Patiala House Courts.

5. The learned District Judge-05, New Delhi, Patiala House Courts is directed to send the entire record pertaining to **CS 69 /2020** captioned as “*M/s Sabharwal Service Station v. RC Tours and Travels & Ors.*” to the concerned commercial Court, New Delhi, Patiala House Courts.

6. A copy of the present order be sent to the learned District Judge, New Delhi, Patiala House Courts for compliance.

7. Accordingly, the present transfer petition is allowed and disposed of.

SAURABH BANERJEE, J

NOVEMBER 6, 2025/NA