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

+ **CS(OS) 362/2009**

NAND KUMAR NEWAR

.....Plaintiff

Through: **Mr. M. M. Kalra, Adv.**

versus

KAMAL KUMAR NEWAR

.....Defendant

Through: **Mr. Ashok Gurnani, Mr. Mukesh Kr. Gupta and Mr. Abhishek Singh, Adv.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% 01.08.2025

1. The subject matter of the instant civil suit is of a value less than 2 crore.
2. The same was being tried by the Court of Additional District Judge, South Courts at New Delhi. However, *vide* order dated 26.02.2018, the civil suit was directed to be transferred to the Original Side of this Court in view of the pendency of another civil suit bearing no. CS(OS) 150/2010, connected to and having a bearing on the present suit..
3. The aforesaid consolidation was directed *vide* order dated 17.02.2016. However, *vide* order dated 25.07.2016 in T.R.P. (C) 153/2016, the order dated 17.02.2016 was recalled. Again, *vide* order dated 26.02.2018 in T.R.P. (C) 153/2016, the aforesaid two suits were consolidated, and CS(OS) 150/2010 was directed to be transferred to the original side of this Court.



However, again, *vide* order dated 12.10.2018 in FAO(OS) 119/2018, this Court observed that the plea for consolidation was withdrawn.

4. In the aforesaid circumstances, both the suits were tried separately.

5. In the instant civil suit, the evidence has been concluded, whereas, in civil suit i.e. CS(OS) 150/2010 even the issues have not yet been framed.

6. It is, thus, seen that there is no impediment in the instant suit being tried and decided by the Court of competent jurisdiction i.e. Saket Courts, South District, Delhi.

7. Under the aforesaid circumstances, the Court directs for remittance of the entire civil suit along with all record to the Principal District and Sessions Judge, Saket Courts, Delhi for assigning the same to the appropriate Court.

8. Let the matter be listed on 11.08.2025 before the Principal District and Sessions Judge, Saket Courts, Delhi.

9. Looking at various facts and circumstances, including the fact that the matter had earlier been called from the said Court and is again being sent back and the matter remain pending since 2009, let the instant civil suit be decided finally within a period of two months from its first date of listing before the District Judge.

PURUSHAINdra KUMAR KAURAV, J

AUGUST 1, 2025

aks/amg