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

+ **TR.P.(C.) 107/2024 & CM APPLs. 3371-72/2025**

NKG INFRASTRUCTURE LIMITED

.....Petitioner

Through: Mr. Prakhar Tiwari, Mr. Shikhar
Tiwari, Mr. Aalok Tiwari and Ms.
Shaily Shukla Tiwari, Advocates

versus

BRILLTECH ENGINEERS PVT LTD & ANR.Respondents

Through: Mr. Ankur Singhal, Advocate for R-1
Mr. Jasbir Bidhuri, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

14.02.2025

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The present petition has been filed seeking the transfer of CS(Comm.) No. 263/2024, pending before the learned District Judge (Commercial Court)-01, Patiala House Court, New Delhi, to this Court.

Learned counsel for the petitioner submits that he has filed a suit, CS(Comm.) No. 2/2025, titled *NKG Infrastructure Limited vs. Brilltech Engineers Pvt. Ltd. & Anr.*, before this Court. He further submits that he had initially preferred a counterclaim in CS(Comm.) No. 263/2024. However, the counterclaim was not registered. Subsequently, since the claim exceeded the pecuniary jurisdiction of the District Court, the petitioner filed the counter-suit, CS(Comm.) No. 2/2025, before this Court.

Learned counsel for the petitioner contends that, to avoid any conflict in orders or judgments, it would be in the interest of justice for both suits to



be tried by the same Court.

Learned counsel for respondent No. 1 objects to the transfer, arguing that his suit has been pending for the past year and that its transfer would cause prejudice to him. Respondent No. 2 has not opposed the transfer.

This Court finds no merit in the objection raised by respondent No. 1, as, under Section 24 CPC, once a suit is transferred, proceedings continue from the same stage at which they were pending before the transferor court.

In view of the above, CS(Comm.) No. 263/2024 is withdrawn from the learned District Judge (Commercial Court)-01, Patiala House Court, New Delhi, and transferred to this Court.

A copy of this order be sent to the learned Principal District & Sessions Judge, Patiala House Court, New Delhi, who is directed to transmit the entire record of CS(Comm.) No. 263/2024 to this Court.

The parties shall appear before the learned Registrar General on 28.02.2025.

Copy of the order be also sent to the learned Registrar General.

The present petition alongwith pending applications, stands disposed of.

DINESH KUMAR SHARMA, J

FEBRUARY 14, 2025

N/NA