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

+ TR.P.(C.) 126/2024, CM APPL. 44706/2024

M/S MUMBAI CAFE AND BAR PVT LTD & ORS.....Petitioners

Through: Mr. Shivam Gupta, Advocate
(Through VC)

versus

M/S LAKEFOREST WINES PVT LTD & ANR.Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **09.12.2025**

1. By virtue of the present transfer petition under Section 24 of Code of Civil Procedure, 1908, the petitioners seek the following reliefs: -

*“a. Transfer the suit titled as "**Lakeforest Wines Pvt. Ltd. Vs. Mumbai Cafe and Bar Pvt Ltd and Ors.** bearing CS(Comm) No. 145/2023" pending before the court of Sh. Umed Singh, DJ(Comm), Central, Tis Hazari Court, Delhi to the court of Sh. Deepak Garg, OJ (Comm), Central, Tis Hazari Court, Delhi.*

OR

*b. Transfer the suit titled as "**Dharmender vs M/s Mumbai Cafe and Bar Pvt. Ltd. and Ors.** bearing CS (comm) no. 207/2023" pending before the Court of Sh. Deepak Garg, OJ (Comm), Central, Tis Hazari Court, Delhi to the court of Sh. Umed Singh, DJ(Comm), Central, Tis Hazari Court, Delhi.”*

2. For the ease of reference, the prayer(s) made in the Suit being CS (COMM) 145/2023, instituted by respondent no.1 against the petitioners herein, are reproduced as under:-



“(A) A decree for a sum of Rs.3,66,071 (Three Lakh Sixty Six Thousand and Seventy One) only be passed in favor of plaintiff and against the defendants by this Hon’ble Court.

(B) Through the same decree this Hon'ble Court may also award 12% interest pendente-lite on the aforesaid amount and interest in future till realization.

(C) Through the same decree this Hon'ble Court may also grant the cost of the petition to the plaintiff as against the defendants.”

3. Similarly, the prayer(s) made in the Suit being CS (COMM) 207/2023, instituted by respondent no.2 against the petitioners herein, are reproduced as under:-

“(A) A decree for a sum of Rs. 4,76,470 (Four Lakh Seventy Six Thousand Four Hundred Seventy only) only be passed in favor of the plaintiff against de defendants by this Hon'ble Court.

(B) Through the same decree this Hon'hle Court may also award 12% interest pendente-lite on the aforesaid amow1t and interest in future till realization.

(C) Through the same decree this Hon'ble Court may also grant the cost of the petition to the plaintiff as against the defendants.”

4. It is the case of the petitioners that since the cause of action(s) involved *inter se* the parties are the same and the disputes involved in both the suits are arising out of the same transaction(s) as also since the likelihood of the document(s) and witnesses will be the same, it would be in the interest of justice as also the parties, if the present petition is allowed.

5. For this, learned counsel for the petitioners appearing through video



conferencing has drawn the attention of this Court to a copy of the receipt(s) of purchase dated 21.04.2021 and submits that though the respondent nos.1 and 2 have instituted two separate suits, however, as evident therefrom, they are very much arising out of the same cause of action(s) and the same transaction(s).

6. Though there is no appearance on behalf of the respondents, however, since there can be no opposition to the aforesaid document i.e., receipt(s) dated 21.04.2021 cited by the learned counsel for the petitioners, in light of the peculiar facts and circumstances as noted above, there is no reason for this Court to hold hands and not concur to the request of transfer made in the present petition.

7. As such, in view of the observations made hereinabove, CS (Comm) no. 207/2023 entitled “***Dharmender vs. M/s Mumbai Cafe and Bar Pvt. Ltd. & Ors.***” pending before the Court of learned DJ (Comm), Central, Tis Hazari Courts, Delhi is hereby transferred to the Court of learned DJ(Comm), Central, Tis Hazari Courts, Delhi, where the matter being “***Lakeforest Wines Pvt. Ltd. vs. Mumbai Cafe and Bar Pvt Ltd & Ors.*** bearing no. ***CS(Comm) No. 145/2023*** is pending, with a direction to commence the proceeding(s) thereof from the stage at which it was before.

8. The Court of learned DJ (Comm), Central, Tis Hazari Courts, Delhi is directed to send the entire record pertaining to the suit being no. CS (Comm) no. 207/2023 entitled “***Dharmender vs. M/s Mumbai Cafe and Bar Pvt. Ltd. & Ors.*** to the Court of learned DJ(Comm), Central, Tis Hazari Courts, Delhi where the matter being “***Lakeforest Wines Pvt. Ltd. vs. Mumbai Cafe and Bar Pvt Ltd & Ors.*** bearing no. ***CS(Comm) No. 145/2023*** is pending.



9. Accordingly, the present transfer petition is allowed and disposed of with the aforesaid observations.

10. A copy of the present order be sent to the concerned Court of the learned DJ (Comm), Central, Tis Hazari Courts, Delhi and learned Principal District and Sessions Judge, Tis Hazari Courts, for information and compliance.

SAURABH BANERJEE, J

DECEMBER 9, 2025/NA