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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 16th May, 2025***
+ **CM(M) 3387/2024 & CM APPL. 52804/2024**

VIVEK KUMAR VERMA

.....Petitioner

Through: **Mr. Shekhar Prit Jha and Ms.
Preeti Kumari, Advocates**

versus

SMT. NIRMAL VERMA & ORS.

.....Respondent

Through: **Mr. Himat Akhtar, Advocate.**

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
J U D G M E N T (oral)

1. Petitioner herein filed a suit seeking specific performance of one *agreement to sell*.
2. During the pendency of the abovesaid suit, an application was moved by the defendant under Order VII Rule 11 read with Section 151 CPC praying therein that since the dispute involved is commercial in nature and since no step to invoke pre-institution mediation in terms of Section 12(A) of Commercial Courts Act, 2015 was taken, the suit may be rejected.
3. Admittedly, the suit in question was filed as a regular suit.
4. While considering the abovesaid application, the learned Trial Court came to the conclusion that dispute was commercial dispute and, therefore, it was to be tried exclusively by a Commercial Court.



5. However, instead of rejecting the suit, the learned Trial Court directed its return under Order VII Rule 10 A CPC and directed the parties to appear before the Court of learned Principal District and Sessions Judge, Headquarters, Central District, Tis Hazari Courts, so that it is assigned to concerned Commercial Court.
6. Such order is under challenge.
7. After some arguments, learned counsel for plaintiff, without prejudice to his rights and contentions, submitted that he would have no objection if the suit is, eventually, assigned to a Commercial Court but he supplemented that instead of returning it under Order VII Rule 10 A CPC, it be rather transferred by this Court under Section 24 CPC. Reference is made to *Namita Gupta vs. Suraj Holdings Ltd.*:2024 SCC OnLine Del 143.
8. Learned counsel for respondent/defendant submits that, however, his right to take permissible objections be left open.
9. Keeping in mind the overall facts of the case and in the interest of justice, this Court while exercising power vested in this Court under Section 24 CPC, directs that the suit in question CS DJ 437/2022 pending in the Court of Mr. Naresh Kumar Laka, District Judge-07, Central District, Tis Hazari Courts, is transferred to the Court of District Judge (Commercial) situated in Central District, Delhi.
10. The parties shall appear before learned Principal District and Sessions Judge, HQ, Central, Tis Hazari Courts, Delhi on 26.05.2025 at 2:00 P.M. and learned Principal District and Sessions Judge, Headquarters shall allocate the abovesaid case to a Commercial Court for proceeding further with the matter, in accordance with law.
11. The abovesaid order is without prejudice to the rights and contentions



of the parties.

12. Present petition stands disposed of in aforesaid terms.
13. Pending application, also stands disposed of in aforesaid terms.

MAY 16, 2025/sw

**(MANOJ JAIN)
JUDGE**