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

+ **CS(COMM) 1212/2016**

DRSTILLC

.....Plaintiff

Through: None.

versus

SATYAM INDUSTRIES PVT LTD

.....Defendant

Through: Mr. Ramesh Kumar, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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09.04.2025

1. This summary suit was filed by the Plaintiff seeking a decree for an amount of USD 2,43,494.85 against the Defendant with pendente lite and future interest. On 28.11.2022, learned Joint Registrar (Judicial) passed the following order:-

“Today the matter is listed for defendant's evidence. No witness is present. It is submitted by counsel for plaintiff that no appropriate instructions received on behalf of client despite repeated contacts made. In these circumstances, at joint request, last and final opportunity is given to counsel for plaintiff to clear the stand of plaintiff.

List for DE on 24.03.2023. Counsel for plaintiff is directed to inform counsel for defendant about the instructions of plaintiff and continuation of evidence two days prior to next date of hearing.”

2. Order sheets reflect that from the said date onwards, there was no appearance on behalf of the Plaintiff. In this light, Court notice was issued to the Plaintiff which was served through its Authorized Representative as recorded in the order dated 14.01.2025. However, even on 14.01.2025, none appeared on behalf of the Plaintiff and on request of the Defendant, matter has been placed before this Court for further directions.



3. From the order sheets, it is evident that Plaintiff is not interested in prosecuting this suit and the same is accordingly dismissed for non-prosecution.

CC(COMM) 78/2017

4. Counter claim was filed on behalf of the Defendant which was initially registered as CC No. 80/2016, however, the same was re-numbered as CC(COMM) 78/2017. Learned counsel for the Defendant submits that looking at the claim of the Defendant, this Court lacks the pecuniary jurisdiction and therefore the suit be transferred to the Court having jurisdiction in the matter *albeit* when the same was filed, it was correctly filed as Plaintiff's suit was pending.

5. Having heard learned counsel for the Defendant, I am of the view that there is merit in the submission. Ordinarily, this Court may have returned the plaint for fresh filing but considering that the same was filed correctly in the pending suit, the suit is transferred to Tis Hazari Courts, where it shall be listed before the concerned District and Sessions Judge on 05.05.2025 for further orders as per the claim of the Defendant.

JYOTI SINGH, J

APRIL 9, 2025/YA/shivam