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

+ **TR.P.(C.) 86/2026 & CM APPL. 26968/2026 Stay**

M/S FOREVER EXIM INDIA PVT LTDPetitioner

Through: Ms. Sakshi Jain & Mr. Abhishek
Shandilya, Advs.

versus

M/S NUMBER ONE ADVERTISING AND MARKETING CO

.....Respondent

Through: Mr. Shivam Bharara, Adv. (through
VC).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **23.04.2026**

1. This hearing has been done through hybrid mode.

CM APPL. 26969/2026 (Exemption)

2. Allowed, subject to all just exceptions. The application is disposed of.

TR.P.(C.) 86/2026 & CM APPL. 26968/2026 Stay

3. The present petition under Section 24(1)(b)(ii) of Code of Civil Procedure, 1908, (for short, 'CPC') seeks the following prayers: -

“a. Transfer the Counter-Claim titled “M/s Forever Exim India Pvt. Ltd. vs. M/s Number One Advertising & Marketing Co.” bearing CS (COMM) No. 1059 of 2025 from the Court of Ld. District Judge (Commercial Court-06), South-East District, Saket Courts, New Delhi to the Court of Ld. District Judge (Commercial Court-01), South-East District, Saket Courts, New Delhi;



OR IN ALTERNATIVE

b. Transfer the suit titled “M/s Number One Advertising & Marketing Co. vs. M/s Forever Exim India Pvt. Ltd.” bearing CS (COMM) No. 731 of 2025 from the Court of Ld. District Judge (Commercial Court-01) to the Court of Ld. District Judge (Commercial Court-06);

b) Pass any other Order Directions as this Court deems fit and proper.”

4. By way of the present petition, petitioner is seeking transfer of the counter-claim, **CS (COMM) No.1059 of 2025**, titled as, “M/s Forever Exim India Pvt. Ltd. vs. M/s Number One Advertising & Marketing Co.” instituted by the petitioner and pending in the Court of learned District Judge (Commercial Court-06), South-East District, Saket Courts, New Delhi, to the Court of learned District Judge (Commercial Court-01), South-East District, Saket Courts, New Delhi, or in alternative, transfer of suit, **CS (COMM) No.731 of 2025**, titled as, “M/s Number One Advertising & Marketing Co. vs. M/s Forever Exim India Pvt. Ltd.” instituted by the respondent and pending in the Court of learned District Judge (Commercial Court-01), South-East District, Saket Courts, New Delhi, to the Court of learned District Judge (Commercial Court-06), South-East District, Saket Courts, New Delhi.

5. Respondent herein had instituted the suit, CS(COMM) No.731 of 2025, against the petitioner for recovery of Rs.17,76,883/- along with damages to the tune of Rs.5,00,000/- along with pendente lite and future interest @ 18% per annum. In the said suit, petitioner filed a counter-claim under Order VIII Rule 6A read with Section 151 of the CPC for recovery of Rs.4,49,920/- along with damages to the tune of Rs.2,00,000/- along with pendente lite and future



interest @ 24% per annum.

6. Learned counsel for the petitioner submits that the present petition has been filed to ensure that the main suit and the counter-claim which arise out of same cause of action are adjudicated by one and the same Court. It is submitted that owing to some administrative transfer the counter-claim instituted by the petitioner was transferred to a different Court.

7. Learned counsel for the respondent, who appears on an advance notice, fairly submits that he has no objection, if the present petition is allowed and both the counter-claim as well as the main suit are tried by a same Court.

8. In view thereof, the present petition is disposed of with direction that the counter-claim, **CS (COMM) No.1059 of 2025**, titled as, “M/s Forever Exim India Pvt. Ltd. vs. M/s Number One Advertising & Marketing Co.” instituted by the petitioner and pending in the Court of learned District Judge (Commercial Court-06), South-East District, Saket Courts, New Delhi, is transferred to the Court of learned District Judge (Commercial Court-01), South-East District, Saket Courts, New Delhi, where suit, **CS (COMM) No.731 of 2025**, titled as, “M/s Number One Advertising & Marketing Co. vs. M/s Forever Exim India Pvt. Ltd.” instituted by the respondent is pending.

9. Let the records of the **CS (COMM) No.1059 of 2025**, pending in the Court of learned District Judge (Commercial Court-06), South-East District, Saket Courts, New Delhi, be transferred to the concerned learned Transferee Court within a period of 10 days from today.

10. Parties are directed to appear before the concerned Transferee Court accordingly.

11. Pending applications, if any, also stand disposed of accordingly.

12. Learned Transferee Court shall proceed with **CS (COMM) No.1059 of**



2025 from the stage, it is being transferred and same shall be tried along with **CS (COMM) No.731 of 2025**.

13. Copy of the order be sent to learned District Judge (Commercial Court-01), South-East District, Saket Courts, New Delhi, as well as learned District Judge (Commercial Court-06), South-East District, Saket Courts, New Delhi, for necessary information and compliance.

14. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

APRIL 23, 2026/bsr/ns