

(2019) 01 SC CK 0255

In the Supreme Court Of India

Case No : Transfer Petition (Civil) No. 2079 Of 2017

ITI

APPELLANT

Vs

M/S. Edelweiss Broking Limited

RESPONDENT

Date of Decision : 15-01-2019

Acts Referred:

Code Of Civil Procedure, 1908 — Section 25

Citation : (2019) 01 SC CK 0255

Hon'ble Judges : N.V. Ramana, J;Mohan M. Shantanagoudar, J

Bench : Division Bench

Advocate : S.S. Sobti, V. K. Sidharthan, Vikas Mehta, Prashant Singh, Tanvir Nayar, Vasanth Bharani

Final Decision : Allowed

Judgement

This transfer petition under Section 25 of the Code of Civil Procedure has been filed by the petitioner for transfer of Miscellaneous Case No. 332 of 2016 titled as M/s. Edelweiss Broking Limited versus Iti, pending before the Court of the learned District Judge, Agra, Uttar Pradesh to the Court of the learned District Judge, Patiala House Courts, New Delhi, to be heard along with Arbitration Petition No. 13487 of 2016 titled as Iti versus M/s. Edelweiss Broking Limited, pending in that Court.

In the alternative, the petitioner is seeking transfer of the Arbitration Petition No. 13487 of 2016 titled as Iti versus M/s. Edelweiss Broking Limited, pending before the Additional District Judge-03/Patiala House Courts/New Delhi to the Court of the District Judge, Agra, Uttar Pradesh to be heard along with Miscellaneous Case No. 332 of 2016 titled as M/s. Edelweiss Broking Limited versus Iti, pending before that Court.

We have heard learned counsel for the petitioner as well as learned counsel for the respondent. Learned counsel for the petitioner has made a request that Arbitration Petition No. 13487 of 2016 titled as Iti versus M/s. Edelweiss Broking

Limited, pending before the Additional District Judge-03/Patiala House Courts/ New Delhi be transferred to the Court of the District Judge, Agra, Uttar Pradesh to be heard along with Miscellaneous Case No. 332 of 2016 titled as M/s. Edelweiss Broking Limited versus Iti, pending before that Court.

Learned counsel for the respondent submits that the respondent has no objection if the case is transferred to the Court of the District Judge, Agra, Uttar Pradesh.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, we are satisfied with the averments made in this petition and deem it expedient to transfer the aforesaid case to the Court of the District Judge, Agra, Uttar Pradesh. Ordered accordingly.

The Court of Additional District Judge-03/Patiala House Courts/New Delhi shall forthwith transmit the record of Arbitration Petition No. 13487 of 2016 titled as Iti versus M/s. Edelweiss Broking Limited to the Court of the District Judge, Agra, Uttar Pradesh.

The transfer petition is, accordingly, allowed.