

(2022) 06 DEL CK 0069

In the Delhi High Court

Case No : Transfer Petition (Civil) No. 14 Of 2022, Civil Miscellaneous Application
No. 12990 Of 2022

M/S Connoisseur Foods Hospitality Services Through Its
Proprietor Ms. Ricky Chawla

APPELLANT

Vs

M/S Connoisseur Foods Hospitality Services Through Its
Proprietor Ms. Ricky Chawla

RESPONDENT

Date of Decision : 01-06-2022

Acts Referred:

Code Of Civil Procedure, 1908 — Section 24, 24(2)
Arbitration And Conciliation Act, 1996 — Section 34

Citation : (2022) 06 DEL CK 0069

Hon'ble Judges : Dinesh Kumar Sharma, J

Bench : Single Bench

Advocate : Kamlesh Mahajan, Nubair, Sanyam Saxena, Bandana Kaur Grover,
Suyash Rawat

Final Decision : Disposed Of

Judgement

Dinesh Kumar Sharma, J

1. Present petition under Section 24 of CPC has been filed by the petitioner for transfer of the execution petition No. 914 of 2019 titled Delhi Tourism and Transportation Development Corporation Limited Vs M/s Connoisseur Food and Hospitality Service, pending in the Court of Sh. Nikhil Chopra, ADJ, South, Saket Court, New Delhi to the Court of Sh. Gurvinder Pal Singh, ADJ, Commercial Court, Patiala House Court, New Delhi.

2. It has been stated that the learned District Judge, Commercial Court, Patiala House is already dealing OMP(COMM.) No.150/2019 whereby the objections under Section 34 has been filed by the petitioner. It is an admitted case that both the proceedings have arisen out of the same Award.

3. The respondent/non-applicant is objecting to the transfer of the execution

petition predominantly on two grounds. Firstly, the execution petition was filed in the year 2019 and the applicant petitioner had been appearing before Saket Court but this plea was never taken. It has been stated that the Court now at Saket was about to execute the Award and therefore the present application has been moved only to delay the proceedings.

4. It is a matter of record that the respondent despite opportunity having been given has not filed reply to the application. Section 24 of the CPC confers power upon the High Court to transfer any suit, appeal or other proceedings pending before it for trial or disposal to any Court subordinate to it and competent to try or dispose of the same. Section 24 (2) provides that where any suit or proceeding has been transferred or withdrawn under sub-Section (1), the transferee court may subject to any special direction in the case of an order of transfer, either retry it or proceed from the point at which it was transferred or withdrawn. Thus, Section 24 (2) makes it clear that in absence of any specific direction, the transferee court shall carry on the proceedings from the point at which it was transferred from the transferor court. Thus, the apprehension of the respondent regarding delay has no basis.

5. In these circumstances, the execution petition No. 914 of 2019 titled Delhi Tourism and Transportation Development Corporation Limited Vs M/s Connoisseur Food and Hospitality Service, pending in the Court of Sh. Nikhil Chopra, ADJ, South, Saket Court, New Delhi is transferred to the Court of Sh. Gurvinder Pal Singh, ADJ, Commercial Court, Patiala House Court, New Delhi.

6. The execution petition shall be placed before the court of Sh. Gurinder Pal Singh, ADJ, Commercial Court, Patiala House Courts, New Delhi on 12th July, 2022 for disposal in accordance with law.

7. With the aforesaid directions, the petition along with pending application stands disposed of.