

T. P. C. No. 27/2026

TSG International Marketing Pvt. Ltd. Vs. Seema Khanna

01.06.2026

This transfer petition was received on 13.04.2026. It be checked and registered.

Present : Mr. Vipin Singhania and Mr. Diwakar Chirania, Ld.
Counsel for the applicant.

This is an application under Section 24 (1)(b)(iii) CPC seeking transfer of suit bearing CS (Comm) No. 3642/2024 from the Court of learned DJ (Commercial Court)-06, South-East to the Court of learned DJ (Commercial Court)-02, South-East.

I have heard the submissions.

It has been held by the Hon'ble High Court of Delhi in *Namita Gupta Vs. Suraj Holdings Limited*, MANU/DE/0150/2024 as follows :

“69. Though the Commercial Court below the level of a District Judge may be manned by Officers of the Delhi Higher Judicial Services, in my opinion, these Courts do not still become subordinate to the District Court for purposes of Section 24 of the CPC. Equally, because of certain powers delegated by the High Court to the learned District and Session Judge to transfer certain Suits from one Commercial Court to another, it cannot be said that these Courts are subordinate to the District Court. In such cases, the learned District Judge exercises the powers as a delegate of the High Court.

70. The Issue (ii) is answered by holding that the power under Section 24 of the CPC to transfer the Suit, is not available to learned the District and Session Judge.

CONCLUSION:

71. Having considered the above position of law, and returning to the facts of the present case, in my view, the learned Additional District Judge has erred in passing the order dated 06.03.2023, impugned in the present petition. Once the learned Additional District Judge was of the view that the dispute raised in the subject Suit is commercial in nature of a Specified Value, the only power vested in him was to return the plaint to the

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plaintiff, that is, the respondent herein for it to be presented before the Court of competent jurisdiction. The learned Additional District Judge had no power to place the file of the Suit before the learned Principal District and Sessions Judge for it to be transferred to the Court of competent jurisdiction.

72. Similarly, the learned Principal District and Sessions Judge erred in transferring the Suit from the Court of the learned Additional District Judge to the Court of the learned District Judge, Commercial Court. As held hereinabove, the Commercial Court even at the level below the learned District Judge is not a Court subordinate to the District Judge.”

Keeping in view the aforesaid judgment, the present transfer petition is dismissed being not maintainable. The applicant is at liberty to approach the appropriate forum. The transfer petition is accordingly disposed of.

Transfer file be consigned to record room.

(SANJEEV KUMAR AGGARWAL)
Principal District & Sessions Judge
South East District, Saket Courts,
New Delhi. 01.06.2026 (ar)