

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NOS. 84-86 OF 2003

CONTINENTAL CONSTRUCTION LTD. & ANR.

...

PETITIONER (S)

VERSUS

RAJ KUMAR & ORS.

...

RESPONDENT (S)

O R D E R

After hearing the learned counsel for the parties, the transfer petitions are allowed and disposed of in terms of the following directions:-

1.Suit No.278/2002 (Brij Pal Singh Vs. Continental Construction) pending in the Court of Civil Judge (Sr. Division), Faridabad (Haryana) is directed to be transferred to Delhi High Court (Original Side) to be taken up for hearing analogously with Suit No.89/2003 (Continental Construction Co. & Anr. Vs. Chander Verma & Anr.) already pending in Delhi High Court (Original Side).

2.As against interim order dated 14.12.2002 read with order dated 23.12.2002, the Appellate Court, which is Additional District Judge, Faridabad is seized of the hearing in Civil Appeal No .178/2002 (Brij Pal Singh Vs. Continental Construction). In view of the suit itself having been transferred to be dealt with by a learned Judge of the High Court sitting on the Original Side of the Delhi High Court, we do not deem it necessary to continue the hearing of the appeal by the Appellate Court at Faridabad. It is directed that the record of the appeal along with pending applications and connected appeal or cross appeal, if there be any, shall also stand transferred to the Original Side of the Delhi High Court. All the pleas raised before the learned Additional District Judge, Faridabad, shall now be available to be taken into consideration by Delhi High Court by way of modification/clarification of the interim order passed earlier by the Court of Civil Judge (Sr. Division), Faridabad or by the Appellate Court in appeal or by way of issuance of fresh directions.

3.The hearing before Delhi High Court is stated to be fixed tomorrow, i.e., 25.3.2003. We request Delhi High Court to take up the hearing tomorrow itself and all the learned counsel for the parties appearing before us assure that they will appear before Delhi High Court tomorrow.

4.The learned Additional District Judge, Faridabad shall depute a special messenger to carry the record of the proceedings in appeal as also in the Civil Suit pending in the Court of Civil Judge and deliver the same to the Registrar of the Delhi High Court, who shall place the records before the learned Judge sitting on the Original Side of Delhi High Court and seized of the hearing in Suit No.89/2003.

5.On 3.3.2003, by way of an interim order, this Court had directed that none of the parties shall operate any bank account of M/s. Continental Construction Ltd. This order shall continue to remain in operation till tomorrow whereafter it shall be in the discretion of Delhi High Court to make any fresh order or such other order as it may deem fit. We clarify that the fact that this Court directed the operation of the bank account to remain suspended and the fact that at the life of the order is being continued till tomorrow shall not amount to expression of any opinion on merits of the interim relief and Delhi High Court shall be free to form its own opinion and make such order as it may deem fit uninfluenced by the interim order passed by this

(P.D. Balodi)(Radha R. Bhatia)
Court Master Court Master