

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.343 OF 2013

Board of Control for Cricket in India

..PETITIONER(S)

VERSUS

Lalit Kumar Modi & Others

..RESPONDENT(S)

O R D E R

Heard Mr. C.A. Sundaram, learned senior counsel appearing for the petitioner and Mr. Ram Jethmalani, learned senior counsel appearing for the first respondent. The petitioner seeks transfer of Civil Suit No.40 of 2013 titled as "Lalit Kumar Modi versus the Board of Control for Cricket in India" which is filed by the first respondent pending before the Additional District Court - 02, Patiala House Courts, New Delhi to the City Civil Court, Mumbai for being tried and heard along with Civil Suit No. 3115 of 2011 which the first respondent had filed earlier against the petitioner in the City Civil Court at Mumbai.

One of the principal ground for seeking this transfer is that the cause which is sought to be raised in the suit filed in Mumbai was sought to be agitated in Delhi and since a suit is already pending in Mumbai, if another suit is filed in Delhi, the matter pending in Delhi be transferred.

It has been pointed out that the respondent has withdrawn the suit filed in Mumbai and wants to proceed with the suit in Delhi. The order of withdrawal was challenged before the Division Bench of the Bombay High Court and the Division Bench has confirmed the order and allowed the withdrawal of the suit. This being the position, we are not inclined to entertain this transfer petition. The transfer petition stands dismissed.

Mr. Sundaram, learned senior counsel for the petitioner states that the petitioner would like to raise objections to the jurisdiction of the Delhi Court to entertain the suit. Petitioner is at liberty to raise whatever objections it wants to raise and the Court will hear and decide them on merits after hearing the other side.

.....J.
(H.L. GOKHALE)

