



2026:DHC:350



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Reserved on: November 19, 2025*

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*Pronounced on: January 15, 2026*

+ **TR.P.(C.) 156/2025, CM APPL. 72486/2025, CM APPL. 72623/2025**

**M/S SHREEJI POLYFAB PRIVATE LIMITED .....Petitioner**

Through: Mr. Naresh Gupta, Mr. Shantanu Aggarwal and Mr. Rachit Gumber, Advs.

Versus

**M/S GOLDSTONE INTERNATIONAL .....Respondent**

Through: Mr. Rishabh Kapur, Adv. (Through VC)

**CORAM:**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

### **J U D G M E N T**

1. By virtue of the present petition, filed under *Section 24* of the Code of Civil Procedure, 1908<sup>1</sup>, the petitioner seeks transfer and consolidation of Suit being CS(Comm.) No.568/2023 “*Goldstone International vs. Shreeji Polyfab Pvt. Ltd.*” pending before the Court of learned District Judge, Commercial-03, Shahdara District, Karkardooma Courts<sup>2</sup>, along with the counter claim being CS(Comm.) No.110/2025 pending before this Court.

2. *Succinctly put*, it is the case of the petitioner that respondent had instituted a Suit being CS(Comm.) No.568/2023 for recovery against petitioner before the learned Trial Court, wherein the petitioner, after being

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<sup>1</sup> Hereinafter as “*CPC*”

<sup>2</sup> Hereinafter as “*learned Trial Court*”



served filed his written statement. Further, since a counter claim seeking recovery of Rs.2,03,56,985/- was also instituted by petitioner against the respondent being CS(Comm.) No.47/2024 before the learned Trial Court, as the valuation thereof exceeded the pecuniary jurisdiction, learned Trial Court *vide* order dated 15.04.2024 was pleased to return the same to be instituted before this Court having the pecuniary jurisdiction to entertain the same.

3. Pursuant thereto, even though the petitioner had instituted the counter claim being CS(Comm) No.392/2024 before this Court, since there was a non-compliance of *Section 12A* of Commercial Courts Act, 2015<sup>3</sup>, it was returned *vide* order dated 23.07.2024 for compliance thereof. Thereafter, since mediation under *Section 12A* of the CC Act *inter se* the parties had failed, the said counter claim was again registered as CS(Comm) No.110/2025. Presently, the same is pending before this Court and is stated to be at the stage of completion of pleadings.

4. In the meanwhile, the learned Trial Court adjourned CS(Comm.) No.568/2023 *sine die* with liberty to revive the same, in view of the pending counter claim before this Court *vide* order dated 07.08.2024. Thereafter, the respondent herein made an application under *Section 151* of the CPC to revive the said CS(Comm.) No.568/2023, which was allowed *vide* order dated 30.07.2025.

5. Mr. Naresh Gupta, learned counsel for the petitioner submitted that the parties and the subject matter *qua* both the Suit(s) and the issues involved therein are similar as they are emanating out of the same transaction as also they are at the initial stage/s, which would require

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<sup>3</sup> Hereinafter as “CC Act”



leading similar evidence. It was further submitted that if CS(Comm.) No.568/2023 is not transferred, it would tantamount to passing of conflicting judgments, as also the consolidation of both the said cases would save the precious judicial time and resources.

6. *Per contra*, Mr. Rishabh Kapur, learned counsel for the respondent submitted that the petitioner is deploying delay tactics as he had filed a defective written statement in CS(Comm.) No.568/2023, so much so, the written statement *vide* order dated 23.04.2024 had been struck off as also an application under *Order VIII rule 10* is pending adjudication before the learned Trial Court. Similarly, the tactic to derail the adjudication is evident in light of the defective counter claim filed before this Court, on account of non-compliance of *Section 12A* of CC Act.

7. Mr. Rishabh Kapur, learned counsel further submitted that in the counter claim filed before this Court, the written statement of the respondent is yet to be taken on record and thus would take years before the pleadings are complete and it would be in the interest of justice if the decree passed by the learned Trial Court in CS(Comm.) No.568/2023 is taken into account whilst passing the judgement in the Suit before this Court, and there would be no conflict, even if two judgments are passed independently.

8. In rejoinder, Mr. Naresh Gupta, learned counsel submitted that the respondent had concealed pendency of an application made under *Order VI rule 17* read with *Order XLVII rule 1* of the CPC.

9. This Court has heard the learned counsel for the parties as also has gone through the materials placed on record.

10. The counter claim arose out of the same transaction as also that the



proceedings pending before the learned Trial Court as also before this Court are emanating from the same series of transactions, which are very much at the nascent stages as the pleadings are yet to be completed and evidence has yet to commence, are factors which cannot be disputed.

11. One of the primary objectives for introducing *Section 24* of the CPC is to reduce multiplicity of proceedings especially whence it comes to the adjudication of proceedings having common issues in more than one ways. It would always be in the interest of justice and the parties, and for avoiding multiplicity of proceedings, and pendency of cases for connected cause of action(s) before different forums, rather than before the same Court. If tried together, it can prevent the possibility of conflicting judgment(s). Reliance is placed upon *M/s. Raj & Associates & Anr. vs. Videsh Sanchar Nigam Limited & Anr.*<sup>4</sup>, wherein the Hon'ble Division Bench of this Court has held that the object of *Order VIII rule 6A(2)* of the CPC is to avoid the possibility of conflicting judgments by different Courts on common issues which may arise between proceedings, if heard separately by different Courts. Similarly, in *Dr. Pritesh Kumar Singh vs. Peepee Publishers & Distributors (P) Ltd. & Anr.*<sup>5</sup> a Co-ordinate Bench of this Court, whilst dealing with a similar factual matrix, had tagged and consolidated the initial suit pending before the District Court along with the counter claim instituted later before this Court, so as to prevent multiplicity of proceedings and prevent the possibility of conflicting judgments.

12. Additionally, as held in *Shriram Pistons & Rings Ltd. vs. Manju*

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<sup>4</sup> ILR (2009) 5 Delhi 729

<sup>5</sup> 2015:DHC:5883



*Awasthy*<sup>6</sup>, it is trite law that based on the valuation of a suit, there is no bar in exercise of powers under *Section 24* of the CPC for transferring a suit from one court to another court having higher pecuniary jurisdiction. In fact, the Full Bench of this Court in *Subhashini Malik vs. S.K. Gandhi*<sup>7</sup> has held that pecuniary limits of the jurisdiction prescribed for administration of justice and *Section 15* of the CPC do not divest the Courts of a higher pecuniary jurisdiction from entertaining the suits below their minimum pecuniary threshold.

13. In the wake of the above, since CS(Comm.) No.568/2023 pending before the learned Trial Court as also CS(Comm.) No.110/2025 pending before this Court are identical in nature and arise out of the same transaction as also both are at nascent stage and involve common issues, which would require leading substantially similar evidence, in the considered opinion of this Court, failure to transfer and try both together may result in conflicting judgments. Thus, consolidation of both the proceedings by way of transfer would, therefore, ensure consistency in adjudication and would also serve the interest of justice by saving valuable judicial time and resources.

14. *Ergo*, based on the foregoing, the present is a fit case for this Court to exercise the powers conferred upon it under *Section 24* of the CPC. As such, CS(Comm.) No.568/2023 entitled “*Goldstone International vs. Shreeji Polyfab Pvt. Ltd.*” pending before the Court of learned District Judge, Commercial-03, Shahdara District, Karkardooma Courts, Delhi is hereby transferred to this Court for being taken up along with CS(Comm)

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<sup>6</sup> (1997) 68 DLT 112

<sup>7</sup> (2016) 233 DLT 83



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No.110/2025 entitled “*Shreeji Polyfab Pvt. Ltd vs. Goldstone International*” pending before this Court.

15. Accordingly, the learned Principal District Judge, Shahdara District, Karkardooma Courts, Delhi is directed to send the entire record pertaining to CS(Comm.) No.568/2023 pending before the Court of learned District Judge, Commercial-03, Shahdara District, Karkardooma Courts, Delhi to this Court.

16. Upon receipt of the entire record pertaining to CS(Comm.) No.568/2023, the Registry is directed to list the same along with CS(Comm) No.110/2025 pending before the concerned Roster Bench of this Court.

17. As such, the present petition along with the pending applications is disposed of in the aforesaid terms.

18. A copy of this order be sent to learned Principal District Judge, Shahdara District, Karkardooma Courts, Delhi for information and compliance.

**SAURABH BANERJEE, J.**

**JANUARY 15, 2026/Ab/aks**