

CASE NO.:
Transfer Petition (civil) 845 of 2006

PETITIONER:
Shashi Aggarwal & Ors. etc

RESPONDENT:
A.K. Aggarwal & Ors. etc

DATE OF JUDGMENT: 04/01/2008

BENCH:
ALTAMAS KABIR & J.M. PANCHAL

JUDGMENT:
JUDGMENT

O R D E R
TRANSFER PETITION(C)NO.845 OF 2006

This transfer petition has been filed by Shri Shashi Aggarwal and others for transfer of seven suits, three of which are pending before the 3rd Senior Civil Judge, City Civil Court, Secunderabad; one before the VIth Senior Civil Judge, Ranga Reddy District Court; one before the Vth Senior Civil Judge, Ranga Reddy District Court; and the remaining two before the XIth Junior Civil Judge, City Civil Court, Secunderabad, to the High Court of Delhi.

As will be evident from the cause title of the said pending suits, the subject-matter of the said seven suits involve the affairs of the Vinedale Distilleries Ltd. between the persons in management. It appears that at one point of time there was a dispute regarding the management between two groups of the aforesaid company and various suits which were pending between them were transferred by this Court by its order dated 10th December 1993 passed in T.P.(C)No.304/93 etc. to the High Court of Delhi for disposal. In the order it was specified that the Chief Justice of the High Court would pass appropriate

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orders regarding listing of the matters before the appropriate Bench and it was also indicated that the pendency of the Special Leave Petitions would not stand in the way of the Delhi High Court from proceeding with the transferred cases. After the said order was passed by this Court and the matters were transferred to the Delhi High Court, it appears that on 13th February 1995 the Division Bench of the Delhi High Court disposed of an application for injunction and other interim reliefs filed by one of the groups and directed that the Aggarwal Group would continue in management of the company as the Court's Receivers. It was also directed that any further orders in respect of the suits regarding Vinedale Distilleries Ltd. should be passed by the learned Single Judge of the Delhi High Court.

Disputes, however, continued regarding the management of the company between the members of the Aggarwal Group inter se which gave rise to different suits pending at Hyderabad. The cause of action for the said suits, however, appear to be, in one way or the other, connected with the control and management of the company which is still under the management of Receivers appointed by the Delhi High Court.

Having heard learned counsel of the respective parties, it appears to us that in the interest of justice it would be in the fitness of things to have all these matters decided by the

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Delhi High Court which is in seisin of the matter relating to the control and management of the company. We, accordingly, allow the transfer petition and direct that all the seven suits, viz., OS Nos.287 of 2003; 636 of 2003 and 532 of 2004 pending before the 3rd Senior Civil Judge, City Civil Court, Secunderabad; OS No.662 of 2004 pending before the VIth Senior Civil Judge, Ranga Reddy District Court; OS No.699 of 2004 pending before the Vth Senior Civil Judge, Ranga Reddy District Court; and OS Nos.929 of 2006 and 956 of 2006 pending before the XIth Junior Civil Judge, City Civil Court, Secunderabad be transferred to the Delhi High Court with a further request to the Hon'ble Chief Justice of the Delhi High Court to direct that the same be allotted to the same learned Court hearing the other matters. In the event there are any pending appeals arising out of the suits which are being transferred by this order, the same shall also stand transferred and will be heard by the appropriate Division Bench of the Delhi High Court.

In order to avoid any future confusion, on consent of the parties, any suit which may be filed in future touching upon the control and management of the company in question should be filed before the Delhi High Court which will decide the matters.

Since these matters are pending before the Delhi High Court at least from 1993, the Delhi High Court is requested to try and dispose of the suits as early as possible.

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The transfer petition is allowed accordingly. Any interim orders passed by this Court shall stand vacated.