

A-36

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

+ TR.P.(C.) 10/2010

VED PRAKASH TYAGI Petitioner
Through : Mr. Munish Tyagi, Advocate

versus

DEVENDER KUMAR SHARMA & ORS Respondent
Through

CORAM:
JUSTICE SHIV NARAYAN DHINGRA

% **ORDER**
09.02.2010

This petition under Section 24 of Code of Civil Procedure has been preferred by the petitioner with a prayer that the Court should withdraw the suit from the trial court and call the suit for trial before itself on the ground that the suit filed before the trial court was beyond pecuniary jurisdiction of the trial court.

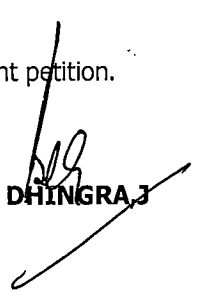
It is submitted by counsel for petitioner other parties i.e. defendants has no objection if the suit is withdrawn to this Court.

I consider that where a suit is beyond jurisdiction of a court, the appropriate procedure provided under law is that the plaint should be returned to be filed before the Court of appropriate jurisdiction. The trial court has to follow the procedure as prescribed under law. The law cannot be varied as per will of the court, more so when Civil Procedure Code specifically provides for dealing with such a situation.

I find no merits in the present petition.

At this stage, the counsel for petitioner seeks to withdraw the present petition.

The petition is hereby dismissed as withdrawn.


SHIV NARAYAN DHINGRA, J

FEBRUARY 09, 2010
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Signature Not Verified

Digitally Signed By: AMULYA
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physical file have been compared and
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file and no page is missing.