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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 2747/2012**
VANDANA TANWAR & OTHERS Plaintiffs
Through: Mr. S.P. Jha and Mr. Vikrant
Bhardwaj, Advs.
versus

TARUN SAINI & ANR Defendants
Through: Mr. Puneet Verma, Adv. for D-1.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

% **ORDER**
10.12.2015

O.A. No. 163/2014

Vide order dated 30th April, 2013 opportunity of defendant no. 1 to file written statement was closed by the Court. Defendant no.1 filed I.A. No. 11942/2013 for recalling of order dated 30th April, 2013. This application has been dismissed with costs of ₹10,000/- by the Joint Registrar vide order dated 16th July, 2014. That is how the defendant no.1 is before this Court by way of present chamber appeal.

First of all, I am of the view that Joint Registrar ought not have disposed of I.A. No. 11942/2013. Instead he should have placed the same before the Court for disposal since order dated 30th April, 2013, recall whereof was prayed, was passed by the Court. In effect, defendant no.1 has

prayed for recalling the order dated 30th April, 2013 by this chamber appeal.

Defendant no.1 has alleged that summons were not served on him. Summons were not received by Vandana. In fact, plaintiff no.1 was also living in the same premises and it appears that her signatures are there on the summons. I have perused the records of service and find it suspicious. Signatures appearing on the summons are quite unusual. In fact, name Vandana has been written in capital letters. Generally, a person does not sign in that manner.

Defendant no.1 has filed affidavit of his wife and the signatures appearing thereon are different. Conduct of the defendant no.1 also shows that he had not deliberately delayed the matter. As per the defendant no.1, he came to know about the suit on 17th February, 2013 and immediately thereafter he filed the written statement on 8th March, 2013. Written statement of defendant no.1 is on record which indicates that the same has been filed on 8th March, 2013.

In the above facts and circumstances, written statement of defendant no.1 is taken on record after recalling the order dated 30th April, 2013.

Chamber appeal is disposed of in the above terms.

CS (OS) 2747/2012

Learned counsel for the plaintiff submits that he has not received copy of the written statement. It appears that copy of the written statement was sent to the plaintiff and her counsel through post. However, as per counsel for the plaintiff, copy of the written statement has not been received. Let a copy of the written statement be supplied by the counsel for defendant no.1 to the plaintiff's counsel within one week. Replication thereto be filed within four weeks thereafter.

It is submitted that present suit is beyond the pecuniary jurisdiction of this Court and has to be transferred to the subordinate court, in view of the notification no. 27187/DHC/Orgl. dated 24.11.2015 under Section 4 of the Delhi High Court (Amendment) Act, 2015. Accordingly, suit is transferred to the District Judge (South East District), Saket Courts Complex, New Delhi. Parties shall appear before the District Judge (South East District), Saket Courts Complex, New Delhi on 20th January, 2016. Registry to transmit the file to the transferee court forthwith.

A.K. PATHAK, J.

DECEMBER 10, 2015

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