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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 3165/2012 & IAs No.19565/2012, 5333/2013,
15346/2013 & 19640/2013

KAPIL KUMAR AHLUWALIA

..... Plaintiff

Through Mr.Samrat Nigam,
Ms.Ankita M.Bahl & Ms.Ayshwarya Chandar,
Advocates

versus

ARVIND BRANDS & ANR

..... Defendants

Through Mr.Sanjay Ghose and
Mr.Rishabh Jetly, Advocate for D-1
Mr.Manoj Arora, Mr.Vikram Hazarika and
Mr.Siddharth Shanker, Advocates for D-2

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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25.02.2015

IA No.26356/2014(by D-2 u/O VII R 10 CPC)

1. The present application has been filed by the defendant No.2 praying *inter alia* that the plaint is liable to be returned to the plaintiff for being filed in a court vested with the pecuniary jurisdiction to entertain the suit.

2. Learned counsel for the defendant No.2 submits that the suit, that was initially filed by the plaintiff, was for the reliefs of declaration,

rendition of accounts, possession and injunction. However, vide order dated 29.1.2013, the plaintiff had sought to confine the relief in the suit to prayers (d) & (f). Prayer (d) is for issuance of directions to the defendants to hand over physical possession of the suit premises, for which relief, the suit has been valued at ₹3,600/- and prayer (f) is in respect of costs for which no valuation has been done. He states that given the remaining reliefs prayed for by the plaintiff, the High Court is no longer vested with the pecuniary jurisdiction to entertain the present suit and therefore, the plaint may be returned to the plaintiff for being presented before the competent court.

3. Counsel for the plaintiff fairly states that he does not oppose the prayer made in the application, but invokes Order VII, Rule 10A of the C.P.C and requests that a date may be fixed by this court for the parties to appear before the competent court so that the suit can be proceeded without any delay.

4. Accordingly, the present application is allowed and disposed of. With the consent of the counsels for the parties, the suit along with the pending applications is directed to be returned to the plaintiff for

being presented before the learned Civil Judge, Patiala House Courts, Delhi, a court that is vested with the pecuniary jurisdiction to try and entertain the same. The parties shall appear before the competent court on 27.3.2015, for further proceedings in this suit.

5. The suit is disposed of, along with the pending applications.

HIMA KOHLI, J

FEBRUARY 25, 2015

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