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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) No. 3340/2015

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6th November, 2015

SMT. SURINDER KAUR

..... Plaintiff.

Through: Mr. Rama Shankar and Ms. Kamlesh,
Advocates.

versus

SH. GURMEET SINGH & ORS

..... Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

CS(OS) No. 3340/2015 & I.A.No. 23523/2015 (Stay) & I.A.No. 23524/2015 (U/o 11 Rule 12 & 14 CPC)

1. In this suit, pecuniary jurisdiction value for filing of the suit is mentioned in para 22 of the plaint and which para-22 reads as under:-

“22. That the purpose of court fee and jurisdiction the suit is valued for the relief as mentioned as below:

- i. For the relief of partition at Rs. 77,00,000/-
- ii. For the relief of possession of 1/7th share at Rs.11,00,000/-
- iii. For the relief of permanent injunction Rs.130/-

iv. For the relief of rendition of account Rs.200/- and Ad valorem court fees has been paid.”

2. The total value of the suit for the purpose of pecuniary jurisdiction is therefore Rs.77,00,000/- +Rs.130 + 200. Therefore, the jurisdiction value is less than Rs. 2 crores, and in any case less than Rs. 1 crore. This suit has been filed on 2.11.2015 i.e after 26.10.2015 when Delhi High Court (Amendment) Act, 2015 was notified.

3. Section 5 of the Delhi High Court Act,1966 pertains to the value for pecuniary jurisdiction of the Delhi High Court. Sub-Section 2 of the said Act specifies the pecuniary value when the High Court will exercise ordinary original civil jurisdiction. This Section 5(2) before amendment thereof by the 2015 amending Act reads as under:-

“5. Jurisdiction of High Court of Delhi

(1)

(2) Notwithstanding anything contained in any law for the time being in force, the High Court of Delhi shall also have in respect of the said territories ordinary original civil jurisdiction in every suit the value of which exceeds [rupees twenty lakhs]”

4. Till 26.10.2015, the value of the suit prescribed under Section 5(2) of the Delhi High Court Act, 1966 was a sum of Rs. 20 lacs. The Delhi High Court Act was amended by Delhi High Court (Amendment) Act, 2015 substituted the words “20 lacs” with the words “2 crores”. This 2015

amending Act has been notified and gazetted w.e.f 26.10.2015. This notification dated 26.10.2015 reads as under:-

**“MINISTRY OF LAW AND JUSTICE
(Department of Justice)
NOTIFICATION**

New Delhi, the 26th October, 2015

S.O.2903(E).- In exercise of the powers conferred by sub-section(2) of section 1 of the Delhi High Court (Amendment) Act, 2015 (23 of 2015), the Central Government hereby appoints the 26th day of October, 2015 as the date on which the provisions of the said Act shall come into force.”

5. Therefore, once Section 5(2) of the Delhi High Court Act, 1966 stands amended by the Delhi High Court (Amendment) Act, 2015, and which is notified for implementation w.e.f 26.10.2015, no suit can be filed in the Delhi High Court with respect to suits having pecuniary jurisdiction upto Rs.2 crores. Of course, this aspect of 2 crores would be reduced to a sum of Rs.1 crore in case the disputes which are commercial disputes as specified under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Ordinance, 2015.

6. While by Section 2 of the Delhi High Court Amendment Act, 2015 Section 5(2) of the Delhi High Court Act, 1966 was amended, simultaneously by Section 3 of the same Delhi High Court (Amendment)

Act, 2015, Section 25 of Punjab Courts Act, 1918 as applicable to Delhi was also amended to substitute the expression “Rs.20 lacs” with the expression “Rs.2 crores”. Section 25 of the Punjab Courts Act, 1918 before amendment of 2015 read as under:-

“25. **Original jurisdiction of District Judge in suits-** Except as otherwise provided by any enactment for the time being in force, the court of the District Judge shall have jurisdiction [in every original civil suit the value of which does not exceed [rupees twenty lakhs]]”

7. Punjab Courts Act, 1918 as applicable to Delhi deals with creation of District Courts and the pecuniary jurisdiction of the courts in the District Courts. The provision of Section 20 and 21 of the Punjab Courts Act, 1918 talk of appointment of District Judges and Additional District Judges. Section 22 of the said Act deals with Subordinate Judges who are now called as Civil Judges. Section 24 of the said Act provides that the Court of the District Judge will be the principal civil court of original jurisdiction in the District Court. Section 25 provides the pecuniary jurisdiction value for suits to be filed before the court of District Judge. Against the judgment passed by the District Judge/Additional District Judge a first appeal lie in terms of the provision of Section 38 to this High Court ie

what is the appellate court against the judgment passed by a District Judge/Additional District Judge is duly provided.

8(i) Section 26 of the Punjab High Courts Act, 1918 provides that how the pecuniary jurisdiction value for original civil suits, and which as per Section 25 is with the District Judge, can be divided between District Judges/Additional District Judges, and the Civil Judges by prescribing suits up to a particular amount of value for the purpose of pecuniary jurisdiction for Civil Judges and District Judges/Additional District Judges and which, has to be determined by the High Court. Section 26 reads as under:-

“26. Pecuniary limits of jurisdiction of subordinate Judges-
[Subject to the limit specified in Section 25 of the jurisdiction] to be exercised in original civil suits as regards the value by any person appointed to be a Subordinate Judge, shall be determined by the High Court either by including him in a class or otherwise as it thinks fit.”

(ii) As on date the pecuniary jurisdiction value for suits to be filed before a Civil Judge is Rs.3 lacs in terms of the notification dated 21.7.2003 issued by the High Court under Sections 25 and 26 of the Punjab Courts Act, 1918.

9. In a nutshell, after passing of the Delhi High Court (Amendment) Act, 2015, as per its Section 2 and 3 which have amended

Sections 5(2) of the Delhi Court Act, 1966 and Section 25 of the Punjab Courts Act, 1918, the pecuniary jurisdiction with respect to suits to be filed in the Delhi High Court will be an amount exceeding Rs.2 crores for cases other than commercial cases covered under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Ordinance, 2015 and that suits of pecuniary jurisdiction value above Rs.3 lacs and up to Rs.2 crores would have to be filed before the Court of the District Judge as per Section 25 of the Punjab Courts Act, 1918. Therefore, there is no reason why Registry of this Court should allow filing of ordinary civil suits up to Rs.2 crores. Once the Statutes passed by the Parliament are notified for implementation, the same come into force with immediate effect and it is not permissible for litigants to file suits in this Court up to pecuniary jurisdiction of 2 crores in normal cases and up to a pecuniary jurisdiction to Rs.1 crore so far as commercial disputes falling within Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Ordinance, 2015.

10. As a matter of abandon caution I clarify that observations which are made in the present judgment pertain only to civil suits of the pecuniary jurisdiction value less than Rs.2 crores and not arbitration matters under the

Arbitration and Conciliation Act, 1996 which are covered under Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Ordinance, 2015.

11. Counsel for the plaintiff argues that the Registry/Filing Counter of the court of the District Judges are not accepting suits up to the value of Rs.2 crores/1 crore, depending on whether the same is an ordinary suit or a commercial suit, and therefore, the Registry of this Court is still accepting suits having pecuniary jurisdiction above Rs.20 lacs till Rs.1 crore/Rs.2 crores, and if that is so, in my opinion, neither the Registry of this Court is justified in accepting suits having pecuniary jurisdiction up to Rs.2 crores in ordinary matters and up to Rs.1 crore in commercial matters or the filing counters of the District Judge are justified in refusing to entertain suits between the value of Rs.3 lacs and Rs.2 crores/Rs.1 crore. Putting it differently it is the office and the Registry of the District Judge which will accept suits with pecuniary jurisdiction up to Rs.2 crores in suits other than commercial matters and it is the Registry of this Court which will accept suits having pecuniary jurisdiction over Rs.2 crores in matters which are not covered under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Ordinance, 2015 and so far

as civil suits and matters which are commercial disputes which are above Rs.1 crore the Registry of this Court will accept such suits and matters as being covered under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Ordinance, 2015 ie so far as commercial matters and suits which are covered under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Ordinance, 2015, the Registry of this Court will accept suits above pecuniary jurisdiction of Rs.1 crore.

12. In view of the above, suit plaint in the present case is returned to the plaintiff for being filed before the Court of the concerned District & Sessions Judge having pecuniary jurisdiction. Copy of this judgment be sent forthwith to the Registry of this Court and to all the offices of the District and Sessions Judges in Delhi.

NOVEMBER 06, 2015
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VALMIKI J. MEHTA, J