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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CS(COMM) No.1379/2016, IA.No.12376/2016(u/O 39 R 1&2 CPC) &  
IA.No.12378/2016 (for condonation of 145 days delay in re-filing)  
MAN MOHAN BABBAR ..... Plaintiff  
Through: Mr. K.L. Rajora, Adv.

versus

KIMTI LAL BABBAR & ORS ..... Defendants  
Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

% **26.10.2016**

1. This order is in continuation of the earlier orders dated 4<sup>th</sup> October, 2016 and 6<sup>th</sup> October, 2016.
2. The counsel for the plaintiff states that the plaintiff agrees with the legal position as mentioned in paras 7&8 of the order dated 4<sup>th</sup> October, 2016 and the valuation of this suit is below the minimum pecuniary jurisdiction of this court and this suit is entertainable by the court of the District Judge. He seeks transfer of the suit to the subordinate courts.
3. As noted in the order dated 4<sup>th</sup> October, 2016, the plaintiff had earlier instituted this suit in the subordinate courts and had on 26<sup>th</sup> November, 2014 sought return of the plaint for filing the same in this court.
4. In these circumstances, I am of the view that no case for transfer is made out.
5. The plaint be returned to the plaintiff for filing in the court of appropriate jurisdiction.
6. The suit is disposed of in terms of above.

**RAJIV SAHAI ENDLAW, J**

**OCTOBER 26, 2016**

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