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

+ **CM(M) 316/2016**

PRERNA (MINOR) & ANR

..... Petitioners

Through Mr.Vivek Luthra, Advocate.

versus

VARSHA & ORS

..... Respondents

Through None.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

O R D E R

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04.04.2016

C.M. No.12291/2016 (exemption)

C.M. No.12292/2016 (exemption)

Exemption is allowed subject to just exceptions. Applications disposed of.

C.M. No.12293/2016 (for condonation of delay of 45 days in refiling the petition)

In view of the averments made in the application, the delay of 45 days in refiling the petition is condoned. Application disposed of.

CM(M) 316/2016

Petitioner is aggrieved by the order dated 26.11.2015 vide which at the time of framing of issues the question of pecuniary jurisdiction was not looked into. Submission is that the petitioner/defendant had filed an application under order VII Rule 11

of the CPC. The aspect of pecuniary jurisdiction has been raised. Submission before this Court is that the valuation of the suit is more than 40 lacs and at the relevant time the Court of the Additional District Judge did not have the jurisdiction to entertain that suit under order VII Rule 11 of the CPC. The Trial Judge vide its order dated 09.9.2015 had noted that since by way of the Presidential notification the pecuniary jurisdiction of District Courts was likely to be raised pending the Central Government notification, the said issue was left open. Admittedly, the notification raising the pecuniary jurisdiction of the District Court to Rs.2 crores has been issued. The question of pecuniary jurisdiction thus no longer survives as an argument this is the reason why the issue qua the pecuniary jurisdiction has not been not framed. Impugned order suffers from no infirmity. This petition is dismissed with costs quantified at Rs.10,000/-.

INDERMEET KAUR, J

APRIL 04, 2016

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