

\$~44 & 45

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

+ CS(OS) 441/2008 & I.A.No. 7679/2014 (U/o 37 R 4 CPC)

MR.PAUL (RICHARD) BERKOWITZ Plaintiff

Through: Ms. Prity Sharma and Ms. Nauras
Sahrawardy, Advocates.

versus

RAJIB SAHAH & NAR Defendants

Through: Mr. Abhishek Malhotra, Mr. Ankit
Chatrubadi and Mr. Rijul Taneja,
Advocates.

+ EX.P. 196/2013 & E.As 512/2013 (O 21 R 41 CPC by DH) & 513/2013 (O 21 R
11 CPC by DH)

PAUL BERKOWITZ Decree Holder

Through: Ms. Prity Sharma and Ms. Nauras
Sahrawardy, Advocates.

versus

RAJIB SAHAH & ANR. Judgement Debtors

Through: Mr. Abhishek Malhotra, Mr. Ankit
Chatrubadi and Mr. Rijul Taneja,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **10.02.2016**

1. Since this Court does not have pecuniary jurisdiction in view of the Office Order dated 24.11.2015 issued by Hon'ble the Chief Justice in exercise of powers conferred by Section 4 of the Delhi High Court (Amendment) Act, 2015, whereby ordinary suits which are not commercial matters having pecuniary jurisdiction up to the value of rupees two crores

cannot be tried by this Court and commercial matters up to the value of rupees one crore cannot be tried by this Court, this suit is transferred for decision to the concerned jurisdictional Court.

2. Since in this case defendants are not residents of Delhi, therefore, without in any manner opining as to existence of jurisdiction of courts at Delhi but since plaintiff has filed the suit through attorney who is a resident of Rohini, this suit and all pending applications are therefore transferred to the District and Sessions Judge (North West) Rohini Courts, Delhi.

3. Parties to appear before the District and Sessions Judge (North West) Rohini Courts, Delhi on 28th March, 2016.

4. The execution petition No. 196/2013 is disposed of with liberty to file the same before the competent court on the disposal of the application being I.A.No.7679/2014 under Order 37 Rule 4 CPC filed by the defendants no.1 and 2 in CS(OS) No. 441/2008.

5. It is clarified that since this court no longer has pecuniary jurisdiction to try the present matter, application under Order 37 Rule 4 CPC filed by the defendants will be decided by the concerned transferee court.

VALMIKI J. MEHTA, J

FEBRUARY 10, 2016

ib