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

+ **CS(OS) No.1135/2006**

MASTER SWAPNIL JAIN

..... Plaintiff

Through: Mr. Atul Nigam and Mr. Nikhil Jain,
Advs.

versus

SANJAY JAIN AND ORS.

.... Defendants

Through: Mr. Karan Arora and Mr. Sujit, Advs.
for D-3,4&5.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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07.12.2016

1. The suit has been listed on Office Note on receipt of report of the Court Commissioner appointed for recording evidence that the recording of evidence stands concluded.
2. The Court Commissioner has *inter alia* reported that only the plaintiff and the defendant no.2 have led evidence and none of the other defendants have opted to lead evidence.
3. In this view of the matter the counsel for the plaintiff has been given the option to address arguments today but points out that the valuation of the suit for the purposes of court fees and jurisdiction is below the minimum enhanced pecuniary jurisdiction of this Court and the suit in accordance with the Office Order dated 24th November, 2015 of Hon'ble the Chief Justice in exercise of powers under Section 4 of the Delhi High Court (Amendment) Act, 2015 is liable to be transferred to the subordinate courts.
4. Only the counsel for the defendants no.3 to 5 appears.

5. On enquiry it is informed that the defendant no.2 is also appearing but the defendant no.1 is *ex parte*.
6. The suit is *inter alia* with respect to properties at (i) 2749, Mori Gate, Delhi; (ii) 947, Tilak Gali, Delhi; (iii) 2926 – 2928, Hamilton Road, Mori Gate, Delhi; (iv) B – 9, Mukherjee Nagar, Delhi; (v) DP – 184, Pitampura, Delhi; and, (vi) ND – 34, Pitampura, New Delhi.
7. The counsel for the plaintiff and the counsel for the defendants no.3 to 5 state that the suit be transferred to the District Judge (Central), Tis Hazari Courts, Delhi.
8. Allowed.
9. Since some of the properties are situated within the territorial jurisdiction of that Court, the suit is transferred to the Court of the District Judge (Central), Tis Hazari Courts, Delhi.
10. The parties to appear before the Additional District Judge/District Judge (Central), Tis Hazari Courts, Delhi on 9th January, 2017.

RAJIV SAHAI ENDLAW, J

DECEMBER 07, 2016

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