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

+ CS(OS) 2235/2014 & IA Nos. 13774/2014, 18997/2014, 22397/2014
23309/2015, 9546/2016, 12017/2016

HARMINDER SINGH & ANR

..... Plaintiffs

Through: Mr. C.P.Vig, Adv.

Versus

G.S BAWA

..... Defendant

Through: Mr. Sandeep Agarwal, Mr. Rajesh
Pathak, Mr. Manjeet Kirpal & Mr.
Anurag Agarwal, Advs.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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06.10.2016

The suit for possession, declaration, permanent and mandatory injunction was filed by plaintiff No.2 on his own behalf and on behalf of plaintiff No.1 claiming to be his next friend describing him (plaintiff No.1) as an “insane person”. The suit, as presented invoked the jurisdiction of this Court valuing the reliefs claimed for purposes of court fees and jurisdiction at Rs.25 lakhs, Rs. 200, and Rs. 260 respectively. On account of amendment of Delhi High Court Act, 1966 by the Delhi High Court Amendment Act, 2015, the pecuniary jurisdiction to try this case now vests in the District Court, particularly after the issuance of order by Hon’ble the Chief Justice in exercise of the power vested in her in terms of Section 4 of the said Amendment Act. The plaintiff, thus, requests for the case to be transferred to the District Court. Though on the previous date, the learned counsel representing the defendant had made certain submissions insisting that his objections to the maintainability of the suit on certain grounds some of which are subject matter of the interim applications which have come to be

filed and which are pending, may be considered first before the case is transferred. Today, on instructions, he submitted that having regard to the valuation as pleaded by the plaintiff, the defendant also agrees to the case to be transferred on account of change of pecuniary jurisdiction, but he insisted that the direction be given to the District Court to consider his objections to the maintainability, *inter alia*, by way of interim applications (being IA No. 18997/2014 under Order 7 Rule 11 CPC and IA No. 23309/2015 under Order 32 Rule 2 and 15 CPC) to be considered first and expeditiously. It is noted that some of the applications filed by the plaintiff which are pending would also have a bearing on the issues/objections raised by the defendant. In the above facts and circumstances, while the case is directed to be transferred to the board of District Judge (West) at Tis Hazari, where both parties agree the jurisdiction would fall, for further proceedings in accordance with law, the learned transferee court is directed to deal with the above noted objections of the defendant to the maintainability first and at the earliest.

The learned district judge may in her discretion keep the file on her own board or transfer it to court of some other additional district judge under her control.

The parties shall appear before the District Judge (West), Tis Hazari on 2nd November, 2016.

The registry shall take effective steps to ensure the file reaches the transferee court well in time.

R.K.GAUBA, J

OCTOBER 06, 2016

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