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

+ **CS(OS) 1165/2009**

SH. YOGESH KUMAR & ANR. .... Plaintiffs  
Through Mr.Saurat Nigam, Adv. with  
Ms.Ayshwarya, Adv.

versus

SH. BRIJESH CHAUDHARY & ANR ..... Defendants  
Through

**CORAM:**

**HON'BLE MR. JUSTICE VALMIKI J. MEHTA**

**ORDER**

% **18.03.2016**

**I.A. No. 13465/2013**

1. The subject suit is a suit with respect to the agreement to sell of an immovable property, and plaintiff claims a decree for a sum of Rs.1,95,00,000/- on the basis of cancellation/frustration of such agreement to sell dated 26.05.2006. The plaintiffs are not seeking specific performance of the agreement to sell dated 26.05.2006 but are now seeking refund of the amounts paid under the same. The subject suit is thus not a commercial dispute.
2. Since the value of the suit is less than Rs.2 crores, the suit is therefore to be transferred to the concerned Court having pecuniary jurisdiction.
3. An Office Order dated 24.11.2015 has been 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. Accordingly, this suit is transferred for decision to the jurisdictional Court under the District & Sessions Judge (South) Saket Courts, New Delhi.

4. Let parties appear before the District & Sessions Judge (South) Saket Courts, New Delhi on 02<sup>nd</sup> May, 2016. Suit file be made available to the District & Sessions Judge (South) Saket Courts, New Delhi, on the date fixed.

**VALMIKI J. MEHTA, J**

**MARCH 18, 2016**

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