

\$~12

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

+ **CS(OS) 2087/2011**

RAVI MITTAL

..... Plaintiff

Through: Mr. Prag Chawla, Advocate.

versus

M/S FIORANO MOTORS & ANR

..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **26.04.2016**

1. This suit is for recovery of an amount of Rs.78,24,681/- alongwith interest. Defendant no.1 besides filing written statement filed a counter claim for a sum of Rs.3,42,86,999/-. Issues in this suit and counter claim were framed on 26.2.2014.

2. Plaintiff's witness PW-1 was examined and was under cross-examination. No one however appeared for the defendants on 22.1.2016, 19.2.2016 and 6.4.2016. The Joint Registrar has therefore listed this matter in the Court.

3. Since defendants and counter claimant/defendant no.1 are not appearing and not pursuing their counter claim, counter claim is dismissed in default and for non-prosecution. Let no application for restoration/recall

CS(OS) No.2087/2011

page 1 of 2

of this order be entertained unless costs of Rs.25,000/- are first paid to the counsel for the plaintiff.

4. Since the counter claim is dismissed, the suit will only remain a suit for recovery of an amount of Rs.78,24,681/- and therefore this Court would not have pecuniary jurisdiction.

5. 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, Patiala House Courts, New Delhi.

6. Let parties appear before the District & Sessions Judge, Patiala House Courts, New Delhi on 26th May, 2016. Suit file be made available to the District & Sessions Judge, Patiala House Courts, New Delhi on the date fixed.

VALMIKI J. MEHTA, J

APRIL 26, 2016/Ne
CS(OS) No.2087/2011

page 2 of 2