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

+ CS(OS) 2102/2011 & IA Nos.3748/2016 & 3747/2016

NISHA RANI GUPTA Plaintiff

Through: Mr Akshay Kapoor, Advocate.

versus

GAURI SHANKAR Defendant

Through: Mr Asit Tiwari, Advocate for D-1.
Mr Mohit Gupta, Ms Laxmi Kumari
and Mr Vipin Yadav, Advocates for
D-4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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10.08.2016

The learned counsel for the defendant has referred to the decision of a Division Bench of this Court in *Mahesh Gupta v. Ranjit Singh: AIR 2010 DELHI 4*, wherein the Division Bench has held as under:-

“8. We at this stage refer to three judgments of different learned Single Judges of this court reported as Anil Goel vs. Sardari Lal 75 (1998) DLT 641 & Rakesh Chopra vs. Taxali 1999 RLR (Note) 83 and Hans Raj Kalra vs. Kishan Kalra ILR 1976(2) Delhi 745. These judgments hold that a Court which does not have pecuniary jurisdiction to try a suit does not have the power to allow an application for amendment of the plaint so as to bring the suit within the pecuniary jurisdiction of this Court. In all these cases, the learned Single Judges of this Court refused to entertain applications for amendment of the plaint whereby the plaint was sought to be amended to bring the suit within the pecuniary jurisdiction of suits to be filed in this Court in the exercise of its original ordinary civil

jurisdiction. We respectfully agree with the views expressed in the judgments of Anil Goel, Rakesh Chopra and Hans Raj Kalra's (supra) cases.”

The suit has been valued at ₹45 lakhs and, therefore, the plaintiff has also filed an application for amendment of the plaint to amend para 16 of the plaint to increase the valuation of the suit for the purposes of jurisdiction to ₹2,00,05,000/-. In terms of the decision of the Division Bench as referred above, the said application would also have to be heard by the Court having the pecuniary jurisdiction. Accordingly, the suit is transferred to the District and Sessions Judge, (Central District) Tis Hazari Courts, Delhi.

The parties shall appear before the concerned Court on 29.09.2016.

VIBHU BAKHRU, J

AUGUST 10, 2016
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