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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) NO. 267/2016 & IA No.6849/2016 (under Order XXXIX
Rules 1&2 CPC).
AZAM KHAN Plaintiff

Through: Mr. I. Ahmed for Mr. S.D. Ansari,
Adv.

versus

GUL MOHAMMAD & ORS Defendants
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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04.10.2016

IA No.12407/2016 (of the plaintiff for amendment of the plaint).

1. This suit for partition of immoveable properties when it came up first on 30th May, 2016, was dismissed qua a large number of properties and survived only with respect to two of the properties and the plaintiff permitted to amend the plaint accordingly.

2. Hence this application.

3. Allowed.

4. The application stands disposed of.

CS(OS) NO. 267/2016 & IA No.6849/2016 (under Order XXXIX Rules 1&2 CPC).

5. Amended plaint is taken on record.

6. The suit as per the amended plaint is below the minimum pecuniary jurisdiction of this Court.

7. The counsel for the plaintiff is not aware of the said fact and states that he has not gone through the amended plaint.

8. The suit is dismissed with liberty to the plaintiff to file afresh as per the amended plaint before the Court of appropriate pecuniary jurisdiction.
9. The plaintiff/counsel to, along with the fresh suit if any filed, file/annex copies of the (a) order dated 30th May, 2016 in this suit; (b) the plaint as originally filed; (c) of this order; as well as of the amended plaint in this suit.
10. At this stage, the counsel for the plaintiff states that he withdraws the suit with liberty to file in the Court of appropriate pecuniary jurisdiction.
11. The order of dismissal is modified to order of dismissal as withdrawn; however the condition as aforesaid imposed on the plaintiff to still apply.
12. The date of 6th October, 2016 stands cancelled.

RAJIV SAHAI ENDLAW, J

OCTOBER 04, 2016

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