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

+ **CS(OS) 2562/2011**

SANGEETA ANAND Plaintiff

Through: Ms. Jagdeep Kaur, Adv.

versus

SAJAG RACHHORA Defendant

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **15.02.2016**

1. This O.A is filed against the order of the Joint Registrar dated 19.11.2015 closing right of the plaintiff to lead evidence noting that no one appeared for the plaintiff and plaintiff's witness was also not present.

2. This is a suit for specific performance filed by the plaintiff wherein plaintiff states that out of the agreed total sale consideration of Rs. 43,35,000/- only an amount of Rs.1 lac was paid on 19.12.2010, the date of the agreement to sell. Issues in the present suit were framed way back in the year 2012 ie on 8.10.2012. After 8.10.2012, plaintiff has defaulted in either not filing the affidavits by way of evidence or not ensuring presence of the witnesses or the plaintiff's advocate being not present on 6.12.2012,

9.4.2013, 11.9.2013, 3.2.2014, 16.12.2014 and ultimately on 9.11.2015 when the impugned order was passed. I may note that plaintiff has not been wiser in spite of costs being imposed on the plaintiff on 9.4.2013 and it being recorded on 11.9.2013 that last opportunity is granted for filing of list of witnesses and affidavits of all the PWs.

3. No doubt CPC is handmaid of justice but CPC equally does not give a handle to the plaintiff to harass the defendant more so in facts of the present case where only a nominal amount has been paid out of the total sale consideration.

4. In view of the above, I do not find any merit in the O.A, and which is accordingly dismissed.

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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, subject to the above, this suit is transferred for decision to the jurisdictional Court under the District & Sessions Judge (West), Tis Hazari Courts Delhi.

6. Let parties appear before the District & Sessions Judge (West), Tis Hazari Courts Delhi on 30th March, 2016. Suit file be made available to the District & Sessions Judge (West), Tis Hazari Courts Delhi on the date fixed.

VALMIKI J. MEHTA, J

FEBRUARY 15, 2016

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