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

+ CS(OS) 2153/2010

RAJESH KUMAR & ORS Plaintiffs
Through: Mr. Kirti Uppal, Sr. Advocate with Mr.
Rohit Sharma and Mr. A. Dhawan, Advocates

versus

RAN SINGH & ORS Defendants
Through: Mr. Aditya Parolia and Mr. Piyush Singh,
Advocates for proposed defendants

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **02.12.2016**

The application under Order 1 Rule 10 CPC (IA 8734/2013) moved by the plaintiffs to implead certain parties as additional defendants was considered and adjudicated upon by the Joint Registrar (J) by order dated 07.07.2015 in terms of the delegated jurisdiction. The Joint Registrar by the said order found the application to be devoid of merit and thus declined the relief claimed.

It is the case of the plaintiff in the present suit for partition of the subject property that the defendants, shareholders, had wrongfully transferred the right, title and interest in certain properties in favour of the parties which he seeks additionally impleaded.

The present chamber appeal (OA) 439/2015 in terms of Rule 4 occurring in Chapter 2 of Delhi High Court Rules was preferred to assail the above said view taken by the Joint Registrar in the order dated 07.07.2015. Before the original appeal could be taken up for consideration or

adjudication, on account of amendment in law, pecuniary jurisdiction to try and deal with the main suit has since been transferred to the court of District Judge. In these circumstances, while the main civil suit was transferred to the court of District Judge South at Saket by order dated 21.12.2015, in the wake of which it stood allocated to the court of Dr. Rakesh Kumar, Additional District Judge-03, South by order dated 11.01.2016 of the District & Sessions Judge, South at Saket, the chamber appeal has remained pending on the file of this court. In these circumstances, it will be proper, and the learned counsel on all sides fairly agree, that the present chamber appeal, it being Original appeal no.439/2015 of the plaintiffs, be treated as a review application against the order dated 07.07.2015 and its consideration / adjudication is made over to the learned trial judge. Ordered accordingly.

The parties shall appear before the learned trial court on 22.12.2016 for further proceedings in accordance with law. Registry to send the file well in advance.

R.K.GAUBA, J

DECEMBER 02, 2016

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