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

+ **FAO 338/2016 & C.Ms.No.26391-92/2016**

KANTA BHATIA Appellant
Through: Mr. Pramod Ahuja and Mr. J.K.
Jain, Advocates

versus

MAHINDER GUPTA & ORS Respondents
Through: Nemo

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

% **ORDER**
26.07.2016

Impugned order of 22nd March, 2016 remands the suit of appellant for declaration that the sale deed of 31st March, 1995 is null and void. The ground to remand the appellant's suit is that the finding returned on Issue No.3 regarding pecuniary jurisdiction no longer survives as the civil courts now have pecuniary jurisdiction upto three lacs and the value of the suit property was ₹1,90,000/-.

Learned counsel for appellant submits that the findings of the trial court returned on other issues on merits would stand in the way of appellant/plaintiff when her suit is retried. The apprehension expressed by learned counsel for appellant can be taken care of by making it clear that the findings returned by the trial court on other issues except the pecuniary jurisdiction would be non-est and, so now the appellant's suit

has to be only reheard and thereafter, the findings afresh have to be returned on the issues already framed.

With aforesaid clarification, this appeal and the applications are disposed of *in limine*.

Dasti.

(SUNIL GAUR)
JUDGE

JULY 26, 2016

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