$~39

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

\+ CS(OS) 338/2016 & IA No.8122-23/2016

SMT PRIYANKA OHRI ..... Plaintiff
Through : Mr. Siddhant Tripathi, Advocate

versus

NAMAN JOLLY & ORS ..... Defendants
Through

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R

% 15.07.2016

1. The present suit for partition, mandatory injunction, etc., against the defendants has been instituted by the plaintiff against her brothers/defendants No.1 and 2 and her widow mother/defendant No.3 in respect of the movable and immovable properties owned by late Shri Neeraj Jolly, as detailed in para 6 of the plaint.

2. It may be noted that in suit valuation para 18 of the plaint, the plaintiff has valued the suit for the purpose of the pecuniary jurisdiction at Rs.25.00 crores without specifying the value of each of the several immovable properties mentioned in para 6 of the plaint. The plaintiff claims that she is in actual physical possession of one of the suit properties without specifying which one of them, and she has proceeded to affix court fees of Rs.130/- on the plaint on her plea that she is in physical possession of one of the suit properties.

3. On a query posed to the counsel for the plaintiff as to which of the suit properties is the plaintiff is occupying and how has the suit been valued for the pecuniary jurisdiction at Rs.25.00 crores and further, as to whether the deceased Shri Neeraj Jolly had died intestate or executed a testamentary document before his demise, counsel for the plaintiff states that he may be permitted to withdraw the present suit with liberty to file a fresh suit for the same relief and furnish all the necessary details therein.

4. Leave, as prayed for, is granted. The suit is dismissed as withdraw, along with the pending applications.

HIMA KOHLI, J

JULY 15, 2016
sk/ap