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

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CS(OS) 3050/2011

O.P. MADAN & ANR

..... Plaintiffs

Through Mr. Subhash Sharma, Advocate

Versus

HARMI WADHWA

..... Defendant

Through Defendant in person.

**CORAM:**

**HON'BLE MR. JUSTICE VALMIKI J. MEHTA**

**ORDER**

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**23.03.2016**

**OA No. 426/2015**

1. This OA filed against the order of the Joint Registrar dated 29.9.2015 whereby the Joint Registrar has directed the plaintiff to deposit in Court the original title deeds and related documents such as relinquishment deed, mutation letter, original conveyance deed etc of the suit property.

2. The subject suit is a suit filed by the plaintiff against the defendant seeking specific performance of the collaboration agreement dated 12.5.2010. The case of the plaintiff is that the original title documents which have been asked for being filed in Court under the impugned order of the Joint Registrar dated 29.9.2015 are those original documents which were given by the

defendant to the plaintiffs at around the time of entering into of the collaboration agreement dated 12.5.2010, and that what is required in law is for the plaintiff to show in his possession its original documents and not that those original documents have to be filed in Court.

3. I agree with the arguments urged on behalf of the plaintiff because the subject suit is only a suit for specific performance of the collaboration agreement. That the original documents are in possession of the plaintiff will help the plaintiff to show that the collaboration agreement has been acted upon, but such an aspect can well be established by the witness by bringing in Court the original title documents as stated in the impugned order dated 29.9.2015, but these documents need not be filed in the Court as only possession thereof has to be shown with the plaintiff. Of course, there are certain respective contentions on its merits, however respective merits will be decided at the stage of final arguments as to whether or not the original title documents and related documents are validly in possession or not so with the plaintiff.

4. In view of the above, impugned order dated 29.09.2015 of the

Joint Registrar directing the plaintiff for filing of the documents in Court is set aside, but, the plaintiffs' witnesses will bring the documents in Court at the time of cross-examination of the plaintiffs' witnesses, and there is no need for filing such original documents in Court.

5. OA is accordingly disposed of.

**CS(OS) No. 3050/2011**

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

7. Let parties appear before the District & Sessions Judge (West), Tis Hazari, Courts, Delhi, on 5.5.2016. Suit file be made available to the District & Sessions Judge (West), Tis Hazari Courts, Delhi on the

date fixed.

**VALMIKI J. MEHTA, J**

**MARCH 23, 2016/P**