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

+ **CS(OS) 3259/2011**

MOHD KHAWAJA JAVED Plaintiff

Through: Mr. Ashu Mahajan, Adv.

versus

ABDUL RAUF JAVED AND OTHERS Defendants

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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22.02.2016

O.A.No. 50/2016(against order dated 18.1.2016 of Joint Registrar) & I.A.Nos. 2533/2016(exemption) & 2534/2016(delay)

1. The pecuniary jurisdiction value as per the suit plaint paragraph 43 is Rs.34,72,850/-. Therefore, this Court would not have jurisdiction to try the suit.

2. The Joint Registrar by the impugned order dated 18.1.2016 has relied upon a valuation report filed by the SDM with respect to Bazar Chitli Qabar property as also other properties to hold that since the valuation of the suit is more than Rs.2 crores, this suit is not liable to be transferred. The reasoning of the Joint Registrar cannot be accepted for the reason that

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valuation is seen on the basis of the averments in the plaint, or if it is a disputed question of fact then after trial. In the present case, valuation report was called because of a settlement recorded between the parties in terms of the orders dated 11.2.2015, and as per which plaintiff would have to pay certain amounts to the contesting defendants. The valuation report so filed for the purpose of arriving at a settlement cannot be a basis to change the pecuniary jurisdiction value of the suit as on the date of filing of the suit.

3. O.A and applications are allowed and disposed of accordingly.

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4. 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 (Central), Tis Hazari Courts, Delhi.

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5. Let parties appear before the District & Sessions Judge (Central), Tis Hazari Courts, Delhi on 31st March, 2016. Suit file be made available to the District & Sessions Judge (Central), Tis Hazari Courts, Delhi on the date fixed.

6. The next date i.e 2.3.2016 stands cancelled.

VALMIKI J. MEHTA, J

FEBRUARY 22, 2016

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