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

+ **FAO 164/2015**

GURBAX SINGH & ORS Appellants
Through Mr. V.K. Khurana, Ms. Priyanka,
Mr.S.S. Yadav, Advs.

versus

GURJEET KAUR & ORS Respondents
Through Mr. Rajeev Sharma, Adv. for R-1

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **20.12.2016**

1. The appellant has challenged the order dated 21st January, 2015 whereby his suit has been returned under Order 7 Rule 10 of the Code of Civil Procedure.
2. The appellant filed a suit for partition in which he valued the suit for the purposes of Court-fees and jurisdiction at Rs.6 lakh to which the respondents raised an objection that as per circle rates, the value of the subject property was more than Rs.20 lakh.
3. Learned counsel for the appellant submits that the pecuniary jurisdiction of the District Judge has now increased from Rs.20 lakh to Rs.2 crore and therefore, even if the respondent's contention is accepted, the learned District Judge would have the pecuniary jurisdiction to entertain and try this suit. It is submitted that the matter be remanded back to the learned District Judge and the appellant shall pay the appropriate Court-fees on the value of the subject property.
4. The appeal is allowed, the impugned order is set aside and the suit is remanded back to the learned Additional District Judge. The parties shall

appear before the learned Trial Court on 21st January, 2017. Learned counsel for the petitioner submits that he shall pay the appropriate Court-fees within four weeks of the matter being listed before the Trial Court.

5. The Trial Court record be returned back forthwith.

J.R. MIDHA, J.

DECEMBER 20, 2016

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