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

+ CS(OS) 489/2016 and CC 63/2016

SH. VIPIN KAPOOR Plaintiff

Through: Mr. Subhash Chand, Advocate

versus

MS. SUCHITA KAUR & ANR. Defendants

Through: Mr. Jagjit Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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14.12.2016

As per notification dated 08.12.2016, the 12th December, 2016 was declared as holiday on account of *Milad-Un-Nabi* or *Id-E-Milad*, the case is taken up today.

This suit was presented on 03.03.2014 in the District Courts of South District of Delhi at Saket Court Complex where it was made over to the court of Additional District Judge-05, South, Saket. It appears the defendant filed a counter claim, the pecuniary jurisdiction whereof was beyond that of the District Courts. The counter claim arising out of this civil suit statedly has already been registered.

Taking note of these facts, the District Judge (south) by her proceedings dated 03.09.2016 has made over the file of the civil suit to this court directing the parties to appear here. The procedure adopted by the District Judge (South) is unknown to law. Since the two matters are to be tried together by the same court, given the fact that

the counter claim is beyond the pecuniary jurisdiction of the District Court, the appropriate procedure was for either party to move an application under Section 24 CPC in this court for necessary directions.

In this view of the matter, the suit file is returned to the court of Additional District Judge-05, South, Saket for further proceedings in accordance with law. The parties shall appear before the said court on 12.01.2017.

In the meanwhile, the parties are at liberty to move an appropriate application under Section 24 CPC.

R.K.GAUBA, J

DECEMBER 14, 2016

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