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

+ CS(OS) 4088/2014

AMIT KUMAR GUPTA Plaintiff

Through: Mr. Nitin Sharma, Adv.

versus

FINACCERS/KH IT SOLUTION PVT LTD & ORS Defendants

Through: Mr. Robin Singh Sirohi, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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02.12.2016

The case at hand is a civil suit for recovery of Rs. 25 lakhs which was instituted in December, 2014, the valuation put to the relief claimed as per the plaint being Rs. 25 lakhs only. On account of change of pecuniary jurisdiction, the case was transferred to the Court of District Judge, West at Tis Hazari by order dated 30th November, 2015. It appears from the proceedings that the case was allocated to Ms. Raj Rani, Additional District Judge-09/West/Tis Hazari, who by order dated 6th May, 2016 noted that the case at hand is commercial in nature and that such cases were being recalled by the High Court in terms of the notification dated 28th April, 2016. Thus, on the report of the Additional District Judge, the District & Sessions Judge (West) by her order dated 11th May, 2016 returned the case to this Court.

The parties through counsel present today, however, submit that the case does not involve “commercial dispute” and that it is a simpliciter money recovery suit.

In these circumstances, return of the case to this Court by the District Court was incorrect and improper. The file is, thus, returned to the Court of District Judge (West) for further proceedings in accordance with law. It shall be laid in that Court on 15th December, 2016.

The registry to send the file well in time.

R.K.GAUBA, J

DECEMBER 02, 2016

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