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

+ TR.P.(C.) 6/2017

TAPOSH CHATTERJEE Petitioner
Through Ms.Rashi Bansal and Mr.A.Das,
Advs.

versus

MADHULIKA CHATTERJEE Respondent
Through Ms.K.Iyer, Adv.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
11.01.2017

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1. By the present joint petition is filed under section 24 CPC with the prayer that Civil Suit No.720/2016 titled Taposh Chatterjee vs. Madhulika Chatterjee pending before Shri Pooran Chand, ADJ-06, South District, Saket Courts, New Delhi be transferred for adjudication to this court.
2. The suit was filed before this court seeking declaration, partition and permanent injunction against the respondent. For the purpose of valuation/jurisdiction the suit had been valued at less than Rs.2 crores. The petitioner thereafter filed an application for amendment of the plaint whereby the valuation of the suit was sought to be enhanced to above Rs.2 crores. Despite pendency of this application the suit was transferred to the District Court pursuant to the amendment in the Delhi High Court Act.
3. Learned counsel for the parties now relied upon the judgment of the Full Bench of this High Court in *Subhashini Malik vs. S.K.Gandhi, 2016 SCC Online Del 5058* where it was held that an application to amend the

plaint and increase the pecuniary valuation of the suit can be adjudicated upon by this court inasmuch as it would result in the suit not being transferred.

4. Both the learned counsel submit that the matter should be transferred to this court for adjudication including adjudication of the amendment application.

5. Keeping in view the above judgment of the Full Bench of this court, the present petition is allowed.

6. The abovementioned suit may be transferred to this court. The matter be listed in court on 24.2.2017.

JAYANT NATH, J

JANUARY 11, 2017

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