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

+ CS(OS) 681/2013

SURESH JOSHI AND ANR Plaintiffs

Through Mr. Amod Sharma, Advocate

versus

SHIV SAREEN AND ANR Defendants

Through

CORAM:

**SH. ANIL KUMAR SISODIA (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

% **06.01.2017**

The suit has been received from the court of Mr. Ajay Goel, Ld.
ADJ(1) (North), Delhi.

I have perused the plaint.

The suit has been filed by the plaintiff for specific performance of an Agreement to Sell of Flat No. C-903 situated at M2K Victoria Garden, Azadpur, New Delhi. The flat in question is a residential flat in a residential society. The same does not fall under the purview of **“Immovable property used exclusively in trade or commerce”**, as stated in Section 2(C) (VII) of The Commercial Courts Act and dispute between the parties cannot be treated as a Commercial dispute. The value of the suit for the purpose of jurisdiction of Rs. 1,20,00,000/-, hence, the suit has to be transferred back to the district courts.

In terms of the Notification No. 27187/DHC/Orgl. dated 24.11.2015 and also in view of the order passed by the Hon’ble Chief Justice, the suit

stands transferred to the District Courts.

The parties are directed to appear before the Ld. District Judge (North), Rohini Courts, Delhi on 31st January, 2017 for further directions.

Registry is directed to send the complete record to the **Ld. District Judge (North), Rohini Courts, Delhi** before the next date of hearing.

**ANIL KUMAR SISODIA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JANUARY 06, 2017
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