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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 1630/2006 & CrI. M.A. No.13520/2015 (u/S 340 Cr.P.C)
KARAN NATH Plaintiff

Through: Mr. Praveen Aggarwal, Adv.

Versus

MINAKASHI NATH AND ORS. Defendants

Through: Mr. A.S. Chandhiok, Sr. Adv. with
Ms. Amita Sehgal, Adv. for D-1&2.
Mr. Satinder Singh, Adv. for D-3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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27.03.2017

IA No.18734/2015 (of the plaintiff under Order VI Rule 17 of the CPC)

1. The senior counsel for the defendants no.1&2 states that the plaintiff by way of this application seeks to enhance the valuation of the reliefs claimed in the suit and which the Full Bench in *Subhashini Malik Vs S.K. Gandhi* 2016 SCC OnLine Del 5058 has held permissible and hence he has no objection.

2. The counsel for the plaintiff states that he withdraws the application.

3. Dismissed as withdrawn.

CS(OS) 1630/2006

4. The counsel for the plaintiff states that in accordance with the valuation of the reliefs claimed in the plaint, the suit is to be transferred to the District New Delhi, Patiala House Courts.

5. The senior counsel for the defendants no.1&2 contends on the basis of Order IV Rule 1 and Order VII Rule 11 of the CPC as well as the admissions contained in the application aforesaid which has been

withdrawn, that the plaintiff has to either value the suit as per the value of the subject matter of the suit or the plaint has to be rejected. It is further contended that the valuation of the property bearing No.39, Prithviraj Road, New Delhi-110 011 subject matter of suit, as per circle rates also would be much beyond that at which it has been valued by the plaintiff and the learned District Judge would not be the Court of minimum pecuniary jurisdiction to entertain the suit.

6. Leaving it open to the defendants to take up the said pleas before the District Judge, the suit is transferred to the Court of District Judge, New Delhi, Patiala House Courts, New Delhi.

7. The parties to appear before the Additional District Judge / District Judge, New Delhi, Patiala House Courts, on 27th April, 2017.

RAJIV SAHAI ENDLAW, J

MARCH 27, 2017

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