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

+ CM(M) 672/2016

MANISH & ANR

..... Petitioners

Through: Mr. Mukesh M. Goel, Adv.

Versus

MONU YADAV & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **08.09.2017**

CM No.32890/2017 (of petitioners u/S 151 CPC)

1. This application titled as under Section 151 of the Code of Civil Procedure, 1908 (CPC) for modification/clarification of the order dated 23rd February, 2017 disposing of the petition, in fact, instead of seeking modification/clarification, seeks relief beyond the scope of the petition even.

2. This petition under Article 227 of the Constitution of India was preferred impugning the order of dismissal of the application of the petitioners/plaintiffs for amendment of the plaint to enhance valuation and was allowed. In this application, it is stated that the learned Civil Judge before whom the suit is pending, instead of transferring the suit file to the Court of appropriate pecuniary jurisdiction as per amended plaint, is wanting to return the plaint and directions are sought to the Civil Judge to so transfer the suit file.

3. On enquiry, whether the petitioners/plaintiffs/applicants have filed any application under Order VII Rule 10A of CPC, the answer is in the negative. No order whereby the learned Civil Judge may have indicated any such intention also is shown.
4. The application is misconceived and is dismissed.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 08, 2017

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