

\$~6 & 7 (*common order*)

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

+ CS(OS) 2474/2010

+ CS(OS) 172/2011

SATISH KUMAR

..... Plaintiff

Through: Mr. Vinod Kumar Sharma, Advocate
with Mr. Rakesh Dudeja, Advocate

versus

KAWAL KUMAR AND ORS

..... Defendants

Through: Mr. Amit Jain, Advocate
Mr. Mukesh Kumar Verma, Adv. for
court notice.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **30.03.2017**

IA No.9085/2016 (Order IX Rule 9 read with Section 151 CPC) & IA
No.9086/2016 (delay) in CS(OS) 2474/2010

IA No.8997/2016 (Order IX Rule 9 read with Section 151 CPC) & IA
No.8998/2016 (delay) in CS(OS) 172/2011

The learned counsel for the applicant seeking restoration of the two suits at hand fairly concedes that having regard to the valuation of the reliefs sought in the two matters on account of change of pecuniary jurisdiction, these cases now have to be transferred to the file of District Court. Both are recovery suits.

The learned counsel on all sides agree that the jurisdiction would be within the domain of District Judge (South-West) at Dwarka Court Complex. Thus, these cases are transferred to the District Judge (South-West) at Dwarka Court Complex for further proceedings in accordance with law, where the parties shall appear on 28.04.2017.

CS(OS) 2474/2010, etc.

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The District Judge (South-West) in his discretion may retain these matters on his own board or allocate the same to any Additional District Judge under his control.

The registry shall send the files complete in all respects well in time.

Since the allegations have been made in the application under Order IX Rule 9 CPC against Mr. Mukesh Kumar Verma, Advocate, who was previously representing the applicant/plaintiff, he was called by court notice in terms of the order dated 15.09.2016. Mr. Mukesh Kumar Verma, Advocate shall also appear before the transferee court and will be heard at the time of consideration of the application for restoration.

The transferee court shall have necessary power and jurisdiction to deal with the money that may have been deposited in the registry in terms of earlier orders of this court in these proceedings.

R.K.GAUBA, J.

MARCH 30, 2017

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