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

+ TR.P.(C.) 101/2017

ESCORTS HEART INSTITUTE AND
RESEARCH CENTRE LTD

..... Petitioner

Through: Mr. Sanjeev Puri, Sr. Adv. with Mr.
Kamal Kumar, Adv.

Versus

DELHI DEVELOPMENT AUTHORITY

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

20.07.2017

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1. This petition under Section 24 of the Code of Civil Procedure, 1908 seeks transfer to this Court of CS No.9456/2016 of the Court of Sh. Pooran Chand, Additional District Judge (ADJ), Saket Courts, New Delhi to this Court.

2. The senior counsel for the petitioner/plaintiff states (i) that the suit though earlier was pending in this Court as CS(OS) No.1440/2015 but as per its valuation and in accordance with the Office Order dated 14th December, 2015 of this Court, on enhancement of pecuniary jurisdiction of this Court, was transferred to the District Judge; (ii) that the petitioner/plaintiff being desirous to enhance the valuation of the suit for the purposes of court fees and jurisdiction, filed an application before the ADJ for amendment of the plaint; (iii) however, the learned ADJ has indicated that he, after allowing the application for amendment, will be constrained to return the plaint for filing in the Court of appropriate jurisdiction.

3. On enquiry, it is stated that the suit is pending at the stage of evidence of the petitioner/plaintiff.
4. None appears for the respondent Delhi Development Authority inspite of advance copy stated to have been given.
5. Considering the nature of the petition, need to issue notice is not felt.
6. It is felt that if the plaint is ordered to be returned to petitioner/plaintiff, this Court on presentation thereof in this Court will be unable to proceed with the suit from the earlier stage.
7. The senior counsel for the petitioner/plaintiff has referred to *U.N. Bhardwaj Vs. Y.N. Bhardwaj* MANU/DE/0036/2017.
8. The petition is allowed. CS No.9456/2016 titled *Escorts Heart Institute and Research Center Ltd. Vs. Delhi Development Authority* of the Court of Sh. Pooran Chand, Additional District Judge (ADJ), Saket Courts, New Delhi is transferred along with the pending application for amendment of plaint to this Court and be listed before the Roster Bench on the Original Civil Jurisdiction of this Court on 5th September, 2017.

Copy of this order be given *dasti* under the signatures of the Court Master.

RAJIV SAHAI ENDLAW, J.

JULY 20, 2017
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