

\$~59, 66, 67 & 69

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

+ TR.P.(C.) 115/2017

R.B SETH JESSA RAM & BROS Petitioner
Through: Mr. Sanjeev Puri, Sr. Adv. with Mr.
Aditya Chhibbar and Mr. Kamal
Kumar, Advs.

Versus

UNION OF INDIA Respondent
Through: Mr. Jaswinder Singh, Adv.

AND

CM(M) 788/2017

FLT LT RAJAN DHALL CHARITABLE TRUST Petitioner
Through: Mr. Sanjeev Puri, Sr. Adv. with Mr.
Aditya Chhibbar and Mr. Kamal
Kumar, Advs.

Versus

DEHI DEVELOPMENT AUTHORITY Respondent
Through: Mr. Pawan Mathur, Adv.

AND

CM(M) 789/2017

R B SETH JESSA RAM & BROS
CHARITABLE HOSPITAL TRUST Petitioner
Through: Mr. Sanjeev Puri, Sr. Adv. with Mr.
Aditya Chhibbar and Mr. Kamal
Kumar, Advs.

Versus

UNION OF INDIA Respondent
Through: Mr. Jaswinder Singh, Adv.

AND

TR.P.(C.) 117/2017

FLT LT RAJAN DHALL CHARITABLE TRUST Petitioner
Through: Mr. Sanjeev Puri, Sr. Adv. with Mr.
Aditya Chhibbar and Mr. Kamal
Kumar, Advs.

Versus

DELHI DEVELOPMENT AUTHORITY

..... Respondent

Through: Mr. Pawan Mathur, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

26.07.2017

CM No.26264/2017 in TR.P.(C.) 115/2017

CM No.26383/2017 in CM(M) 788/2017

CM No.26384/2017 in CM(M) 789/2017

CM No.26312/2017 in TR.P.(C.) 117/2017 (all for exemption)

1. Allowed, subject to just exceptions.
2. The applications are disposed of.

TR.P.(C.) 115/2017, CM(M) 788/2017, CM(M) 789/2017 & TR.P.(C.) 117/2017

3. Transfer is sought of CS No.55929/2016 and CS No.56503/2016 of the Court of Additional District Judge (ADJ)-01, New Delhi District, Patiala House Courts, New Delhi to this Court pursuant to the amendment allowed of the plaint in both suits enhancing the valuation of the suit for purposes of court fees and jurisdiction to that beyond the maximum pecuniary jurisdiction of the Court of the District Judge where the suits are pending.
4. The senior counsel for the petitioner on enquiry states that the additional court fees on the plaint in both suits shall be paid within one week.
5. The medium of transfer under Section 24 CPC is invoked pleading that if the plaints are returned, the petitioners / plaintiffs shall lose the benefit of proceedings till now in the suits.

6. The petitions are allowed in terms of the judgment of the Division Bench of this Court in ***U.N. Bhardwaj Vs. Y.N. Bhardwaj*** 2017 (161) DRJ 337 and the suits, post the payment of deficient court fees, are ordered to be transferred to this Court, to be listed before the Roster Bench on 21st August, 2017.

7. The Transfer Petitions are disposed of.

8. The learned ADJ, while allowing the amendment of the complaints to enhance valuation as aforesaid, has also imposed costs of Rs.1 lakh on each of the petitioner/plaintiff.

8. The imposition of such costs in the light of the judgment of the Full Bench of this Court in ***Subhashini Malik Vs. S.K. Gandhi*** 233 (2016) DLT 83 is unjustified.

10. The counsel for the respondent Union of India and the counsel for the respondent DDA have been heard.

11. Accordingly, CM (M) No.788/2017 and CM(M) No.789/2017 are allowed. The orders imposing costs is set aside.

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

RAJIV SAHAI ENDLAW, J.

JULY 26, 2017

Bs..