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

+ **TR.P.(C.) 155/2017**

SCIENCE OF SPIRITUALITY (REGD)

..... Petitioner

Through: Mr. Rajiv Tyagi and Mr. Varun
Singh, Advs.

Versus

SURINDER SINGH & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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02.11.2017

1. This order is in continuation of the earlier order dated 15th September, 2017.
2. The counsel for the petitioner/plaintiff admits the legal position as recorded in the order dated 15th September, 2017 and states that since as per the amended plaint in the suit, the suit though wrongly, is valued for the relief of specific performance at Rs.2,00,01,000/-, any further amendment/correction of the plaint can be done only by this Court and thus the suit be ordered to be transferred to this Court as sought and thereafter the petitioner/plaintiff will carry out correction/amendment in the plaint.
3. I am afraid, the aforesaid course of action cannot be permitted. Once it is not in dispute that the valuation done by the petitioner/plaintiff is contrary to law, the said valuation has to be ignored and the valuation of the suit for the relief of specific performance, for the purpose of court fees and jurisdiction has to be read in accordance with law discussed in the order dated 15th September, 2017.

4. It is settled position in law that the Courts are to read the plaint meaningfully and on a reading of the plaint meaningfully, the valuation will have to be in accordance with law.

5. Once the plant is read meaningfully as aforesaid, the suit has to remain before the Court before which it is already pending and it is clarified that the learned Additional District Judge (ADJ) before whom the suit is pending would have jurisdiction to deal further with the suit, subject of course to the further application, if any, which the counsel for the petitioner/plaintiff states that the petitioner/plaintiff will make.

6. The counsel for the petitioner/plaintiff states that liberty be granted to apply for amendment of para 29 of the plaint.

7. The petitioner/plaintiff shall have liberty to apply but the said application shall be considered and decided in accordance with law.

8. With the aforesaid, the petition is disposed of.

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

RAJIV SAHAI ENDLAW, J.

NOVEMBER 02, 2017

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