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

+ **TR.P.(C.) 31/2019**

BHAVANA BHATIA

..... Petitioner

Through Mr Pardeep Dhingra, Mr Nishant Kumar,
Advocates.

versus

UDAY VIRI & ANR

..... Respondents

Through Mr Sandeep Kr Jha, Mr Prashant Singh,
Mr Pritam Bishwas, Mr Pragya Parijat, Advocates
for R2 and R3.

TR.P.(C.) 32/2019

BHAVANA BHATIA

..... Petitioner

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versus

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Mr Pritam Bishwas, Mr Pragya Parijat, Advocates
for R2 and R3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.07.2019

1. The petitioner has filed the present petitions under Section 24 of CPC,
inter alia, praying as under:-

“Transfer the Civil Suit No. 609 OF 2018, pending before the Hon'ble Court of Ms. Twinkle Wadhwa Additional District Judge, Patiala House Courts to the Hon'ble High Court of Delhi due to pecuniary Jurisdiction and valuation of counter Claim exceeding RS. 2 Crore.”

2. The petitioner is seeking transfer of the aforementioned suit on the ground that she has filed a counter claim which exceeds the pecuniary jurisdiction of the Court trying the aforesaid suit. The petitioner, essentially, seeks to cure the defect of filing the counter claim in a court not having jurisdiction to try the same.
3. After some arguments, learned counsel appearing for the petitioner seeks to withdraw the present petitions with liberty to approach the concerned court seeking return of the counter claim along with the Court fees, in order that the same can be filed as a separate suit before this Court. He also reserves the right to file a transfer petition once his counter claim has been correctly instituted.
4. The petitions are dismissed as withdrawn with the aforesaid liberty.

VIBHU BAKHRU, J

JULY 23, 2019

pkv