

\$~3

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

+ RFA 877/2018 & CM No. 46020/2018

DR SUNGEETA SEHGAL SINGH

..... Appellant

Through: Mr. Imran Ali and Mr. Harpal Singh,
Advocates (9811143274)

versus

SUNDEEP SEHGAL & ORS

..... Respondents

Through: Mr. Ravi Sikri, Sr. Adv. with Mr.
Gaurav Goyal, Mr. J.K.Goyal and Mr.
Rohit and Ms. Aakriti and Ms. Rima,
Advocates. (9899886074)

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

%

12.02.2019

1. This appeal is disposed of with the consent order by setting aside the impugned judgment dated 30.5.2018 rejecting the plaint for lacking of pecuniary jurisdiction, but as agreed the valuation of the suit is increased to Rs.2.10 crores so far as the relief of possession is concerned.

2. Amended plaint will be filed by the appellant/plaintiff in the trial court, and thereafter the suit as a whole will be transferred for decision

RFA 877/2018

page 1 of 3

to the Original Side of this Court in exercise of powers of this Court under Article 227 of the Constitution of India, and Section 24 CPC. It is however made clear that all other issues of facts and law as per the defence of the defendants will be available to them for being decided in the suit at the stage of final arguments after trial.

3. Parties are directed to appear before the court of Mr. Surya Malik Grover, ADJ-01 (South East), Saket Courts, New Delhi, on 28th February, 2019, and on this date the appellant/plaintiff will file, if not already filed, the amended plaint showing pecuniary jurisdiction of Rs.2.10 crores so far as relief of possession is concerned. Trial court will thereafter transfer the file of the suit as a whole to the Original Side of this Court, and the suit will be taken up in the Original Side of this Court from the stage of the amended plaint being filed by the appellant/plaintiff increasing the pecuniary jurisdiction for the relief of possession of Rs.2.10 crores.

4. Since the appeal is being remanded back to the trial court, in exercise of powers under Section 13 of the Court Fees Act, 1870, the appellant will be entitled to refund of the entire court fees paid in this appeal. Registry will issue the necessary certificate in favour of the

appellant.

5. The appeal is disposed of with the aforesaid observations.

VALMIKI J. MEHTA, J

FEBRUARY 12, 2019
ib