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

+ O.M.P.(I) (COMM.) 161/2020 & I.A. 4877/2020

GOBIND SINGH THROUGH POA HOLDER

JASPREET SINGH

..... Petitioner

Through: Mr. Harshbir Singh Kohli, Adv.

versus

SURAKSHA DIAGNOSTIC (P) LTD.

..... Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

15.07.2020

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(Video-Conferencing)

1. In this matter, the jurisdiction of this Court was invoked on the basis of the recital in para 26 of the petition, to the effect that the valuation of the property involved exceeds ₹ 2 crores. At the same time, court fees were paid, on the petition, by treating it as a petition for injunction, and not on the basis of the valuation of the property.

2. On the last date of hearing, i.e. 10th July, 2020, I had expressed my misgivings regarding the invocation of the jurisdiction of this Court on the basis of the value of the property, without paying proper court fees therein.

3. I had opined, tentatively, that, if the value of the property was being used to invoke the jurisdiction of this Court, court fees would

have to be paid thereon, whereas, if a mere injunction is being sought under Section 9 of the Arbitration and Conciliation Act, 1996, the court, possessed of pecuniary jurisdiction, given the valuation of the injunction, would have to be approached.

4. Mr. Harshbir Singh Kohli, learned counsel for the petitioner, had taken time to take instructions.

5. Today, Mr. Harshbir Singh Kohli appears and seeks leave to withdraw this petition with liberty to approach the jurisdictional court, based on the value attributed to the prayer for injunction.

6. Leave and liberty, as prayed for, is granted and the petition is permitted to be withdrawn accordingly.

7. Needless to say, in view of this direction, the valuation of the present petition, as urged in para 26 of the petition thereof, would not stand in the way of exercise of jurisdiction by the competent court.

8. The Registry is directed to release the original documents, filed by the petitioner along with the petition, so that he could present the same before the appropriate forum/court within a period of two days.

C. HARI SHANKAR, J.

JULY 15, 2020

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