



\$~14

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

Date of decision: 24.11.2023

+ TR.P.(C.) 108/2022 & CM APPL. 50188/2022, 43246/2023,
43247/2023

MS SUMAN AND ORS

..... Petitioners

Through: Mr.Raghav Kapoor, Mr.Ranu Singh,
Adv.

versus

SH PRAVEEN KUMAR & ORS.

..... Respondents

Through: Mr.Anunaya Mehta and Mr.Vinayak
Thakur, Adv

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners seeking transfer of the Suit filed by the petitioners, that is, CS No.363/2020, titled ***Ms.Suman and Ors. v. Praveen Kumar & Ors.***, from the Court of the learned Additional District Judge, New Delhi District, Patiala House Courts, New Delhi (hereinafter referred to as 'Trial Court'), to this Court.
2. It is stated that the above Suit has been filed by the petitioners *inter-alia* praying for a decree of partition, declaration, possession, and permanent and mandatory injunction with respect to the four Suit Properties. It is further stated that inadvertently, the petitioners, for the purpose of jurisdiction, valued the suit only on the share of the plaintiffs/petitioners in the suit properties. This inadvertent mistake was realized when the





respondents challenged the valuation of the Suit in their written statement and also filed an application under Order VII Rule 10 of the Code of Civil Procedure, 1908 (in short, 'CPC') stating that the valuation of the property is beyond the pecuniary jurisdiction of learned Trial Court. The petitioners accede to the objection of the respondents, and have also filed an application before the learned Trial Court seeking amendment in the plaint, enhancing the valuation of the suit for the purpose of jurisdiction. The petitioners apprehend that once the said application is allowed, the learned Trial Court would have no option but to return the plaint to the petitioners, which would result in the proceedings starting *de novo*.

3. On the other hand, the learned counsel for the respondents submits that as the Suit stand today, this Court would not have the pecuniary jurisdiction to try the same. He submits that the appropriate course for the petitioners is to wait for their application seeking amendment to the plaint being allowed and thereafter, move the present petition, if so advised.

4. I have considered the submissions made by the learned counsels for the parties.

5. As noted hereinabove, the petitioners, who are the plaintiffs in the Suit, accede to the objection of the respondents on the valuation of the Suit being incorrect. They have also moved an application seeking amendment in the plaint so as to enhance the valuation of the Suit for the purposes of jurisdiction. With such enhancement, the learned Trial Court would lose pecuniary jurisdiction to try the said Suit and be left with no option but to return the plaint under Order VII Rule 10 of the CPC, which would result in the proceedings starting *de novo* before this Court on re-presentation of the plaint before this Court. This, in my opinion, defeats the ends of justice.





6. In the interest of justice, I, therefore, deem it appropriate to transfer the Suit, being CS No.363/2020, titled ***Ms.Suman and Ors. v. Praveen Kumar & Ors.***, from the Court of the learned Additional District Judge, New Delhi District, Patiala House Courts, New Delhi, to this Court. It is ordered accordingly.
7. On such transfer, the Suit shall commence from the stage that it is at before the learned Trial Court.
8. The parties shall appear before the learned Joint Registrar (Judicial) of this Court on 19th December, 2023, for appropriate directions.
9. The petition along with the pending applications is disposed of in the above terms.

NAVIN CHAWLA, J

NOVEMBER 24, 2023/Arya/RP

Click here to check corrigendum, if any

