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

+ **CS(COMM) 630/2022**

RENEE KHANNA & ANR.

..... Plaintiffs

Through: Mr. Arjun Dewan, Mr. Arjun
Mukherjee, Mr. Akash Arora, Advs.

versus

**THE CENTRE FOR REHABILITATION AND ADVANCEMENT
OF DISABLES THROUGH CHAIRMAN SH ARUN BHATT**

..... Defendant

Through:

**CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH**

ORDER
08.01.2024

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I.A. 6852/2023

1. This is an application filed by the defendant under Order 7 Rule 11 of CPC stating that the suit is governed under Section 7(xi)(cc) of the Court Fees Act, 1870 read with Section 8 of the Suit Valuation Act, 1887 and as per the said provision the Court fee payable would be 1 year's rent of the immovable property to which the suit refers.
2. According to the same, the valuation of the suit would be about Rs. 46,21,200/- which is below Rs. 2 crore and hence the suit would be within the territorial jurisdiction of the District Courts.
3. Mr. Mukherjee, learned counsel fairly concedes to the said position and states that admittedly the suit has been wrongly valued by the plaintiff. Therefore, he has filed an application being I.A. 20938/2023 seeking



amendment to the prayer clause. According to the plaintiff, the actual valuation of the suit should be Rs. 53,20,436.43/-, on which a total Court fee payable would be Rs. 62,200/-.

I.A. 20938/2023

4. This is an application under Order 6 Rule 17 seeking amendment of the plaint.

5. The proposed amendments are mentioned in para 5 of the instant application.

6. Notice had been issued and no reply has been filed by the defendant.

7. Mr. Kumar, learned counsel for the defendant states that he has no objection to the application and the instant application is only a result of the defendant's application.

8. For the said reasons, the instant application and I.A. 6852/2023 are allowed.

9. The amended plaint is taken on record.

10. The defendant is granted time to file written statement in accordance with law.

11. In view of the amendment, the jurisdiction would be that of a District Court. Therefore, the plaint is returned and the file be transferred and presented to D.J. (Patiala House) Courts.

12. It is directed that the parties shall appear before the learned District Judge, Patiala House Courts on 19.01.2024, wherein the learned District Judge shall assign the suit to the competent Court.

I.A. 20624/2023

13. In view of the applications being I.A. 6852/2023 and I.A. 20938/2023 having been allowed, I.A. 20624/2023 is also allowed in view of Section 10



of the Court Fees Act, 1870.

14. The Registry is directed to prepare the certificate refunding the excess Court fee to the plaintiffs.

15. In the above terms, the application stands disposed of.

16. The order is passed without prejudice to the rights and contentions of the defendants which may be raised in the written statement.

JASMEET SINGH, J

JANUARY 8, 2024/DM

Click here to check corrigendum, if any