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

+ **CM(M) 308/2025**

SH MAHENDER AND ANR

.....Petitioners

Through: Mr. Lal Singh Thakur, Adv

versus

KRISHNA DEVI & ORS.

.....Respondents

Through: Ms. Arti Bansal & Ms. Shruti Goel,
Adv for DDA/R-2.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

14.02.2025

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CM APPL. 8900/2025 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CM(M) 308/2025 & CM APPL. 8899/2025 (Stay)

1. This is a petition under Article 227 of the Constitution of India impugning the order dated 21.12.2024 passed by the Ld. SCJ, Distt. South West, Dwarka Courts, New Delhi in Civil Suit bearing CS No.21/2024 titled as Krishna Devi v/s Sunita Devi & Ors.
2. The factual background of the case is that respondent No.1 instituted the civil suit praying for relief of declaration, cancellation, mandatory and permanent injunction.
3. During pendency of the case, respondent No.1 filed an application under Order I Rule 10 CPC for impleading the petitioner as defendant. The



application was allowed by the learned Trial Court vide order dated 16.12.2024 and petitioner has been impleaded as defendant No.4 in the main suit.

4. Perusal of the record reveals that respondent No.1 filed an application under Order VI Rule 17 CPC for amendment of the suit which is still pending consideration before the learned Trial Court.

5. Learned counsel for the petitioner submits that by virtue of application under Order VI Rule 17 CPC, respondent No. 1 is seeking amendment of the suit to include the relief of possession.

6. Vide order dated 21.12.2024, the learned Trial Court issued directions to the parties to maintain the *status quo* in respect of the suit property till the next date of hearing.

7. It is submitted that the learned Trial Court does not have pecuniary jurisdiction to entertain the suit as the Sale Deed between the petitioner and respondent No.2 is for consideration of Rs 25,20,000/- and therefore, no order of *status quo* regards the suit property could have been passed by the learned Trial Court.

8. Admittedly as of now, the suit is only for the purpose of declaration and permanent injunction and within the pecuniary jurisdiction of the learned Civil Judge. The application under Order VI Rule 17 CPC is yet not decided. Therefore, as on date, it cannot be said that learned Civil Judge is not having jurisdiction to try the present suit.

9. That being so objection with regards to the lack of pecuniary jurisdiction with the learned Trial Court is not sustainable at this stage.

10. At this stage, learned counsel for the petitioner seeks permission of this Court to withdraw the present petition.



11. The statement made by learned counsel for the petitioner is taken on record and the petition is dismissed as withdrawn.

RAVINDER DUDEJA, J

FEBRUARY 14, 2025

Sk/r