



\$~11

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

% ***Date of Decision: 18th March, 2025***

+ CM(M) 1399/2022 & CM APPL. 54011/2022

SUDHA GUPTA & ANR.

.....Petitioner

Through: Mr. Sanjeet Singh, Advocate.

versus

GURMEET SINGH MATHAROO

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The petitioners are defending a suit which seeks injunction and monetary compensation.
2. The grievance relates to dismissal of their application moved under Order VII Rule 11 CPC.
3. According to petitioners, the concerned Court of learned District Judge did not have pecuniary jurisdiction to try and entertain such suit, as the same had been undervalued.
4. However, when asked, learned counsel for petitioner, very fairly, submitted that the issues have already been framed by the learned Trial Court by order dated 07.01.2023 and one of the issues is:-

“Whether the suit is beyond the pecuniary jurisdiction of this Court?”

5. After hearing arguments for some time, learned counsel for petitioner submits that, at the moment, the petitioner would be satisfied if the learned Trial Court is requested to consider the abovesaid issue at appropriate stage,



without being prejudiced by order dated 05.09.2022 which is under challenge in the present petition.

6. He also submits that he would also make appropriate request before the learned Trial Court to treat the abovesaid issue as a *preliminary issue*.

7. The present petition is, accordingly, disposed of with the observation that, as and when, the abovesaid issue of pecuniary jurisdiction is decided by the learned Trial Court, such decision is made in accordance with law, without being prejudiced by its earlier order dated 05.09.2022.

8. It is open to petitioner to move appropriate application before the learned Trial Court if he wants any particular issue to be treated as a preliminary issue.

9. It is also clarified that this Court has not expressed any opinion with respect to the abovesaid issue of pecuniary jurisdiction, either way.

10. The present petition, along with pending application, if any, stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MARCH 18, 2025/ss/SS