



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

% Date of Reserved: 27th September, 2022

Date of Decision: 12th October, 2022

+ **CS(OS) 219/1972**

SHRI SAIYID SIRAJUL HASAN

son of Professor Nurul Hasan,
resident of 24 Willingdon Crescent,
New Delhi.

..... Plaintiff

Through: Mr. Kailash Vasdev, Sr. Advocate
with Ms. Pallak Bhagat, Mr. Umrao
Singh, Ms. Nayantara & Ms. Reshmi
Rea Sinha, Advocates.

versus

SHRI SYED MURTAZA ALI KHAN

Bahadur of Rampur (deceased)
through legal heirs.

..... Defendant

Through: Mr. C.A. Sundaram, Sr. Advocate
with Mr. Saurabh S. Sinha, Ms.
Rohini Musa & Mr. Tarang Agarwal,
Advocates for D-1(3) & 1(4).
Mr. Sudhir Chandra, Sr. Advocate
with Mr. Praijat Sinha, Mr. Gaurav
Ghosh & Mr. Zulnoor Ahmed,
Advocates for D-3(i) to (iii) & 9 to 13



CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G E M E N T

I.A.8684/2022

1. An application under **Order VI Rule 17 Code of Civil procedure** (*hereinafter referred to as CPC*) has been filed on behalf of the plaintiff for amendment to incorporate the shares of the parties on account of death of some of the original parties and for correction in suit valuation in various paragraphs of the plaint.
2. It is submitted in the application that due to the demise of some of the parties during the pendency of the suit, the sahams/ shares of the surviving parties/ legal representatives/heirs of the deceased who are already party on record have changed. Hence, the plaintiff seeks to amend the plaint by adding paragraph 9A to 9F describing the shares of the various parties to the present suit.
3. Further, the value of the properties as referred to in paragraph 13, 14 and 15 and in Exhibit 1, 2 and 3 which are the subject matter of the partition in this suit, was based on Government/Tax Authorities valuation/estimates done much prior to the date of filing of the plaint. The plaintiff verily believes that the market value of the properties in the Exhibits 1, 2 and 3 taken together at the time of filing of the plaint was Rs.25 crore. Hence, the plaintiff seeks permission to amend paragraph 22 to amend the suit valuation as Rs.25 crores with the share of the plaintiff on partition estimated as Rs.1,01,27,315/- on which the court fee has already been paid.
4. It is submitted that these amendments are necessary for determining the real question in controversy between the parties and these are also



expedient in view of the pendency of the suit for 50 years before this Court. This suit has been taken up for final arguments on number of occasions, but because of pendency of appeals arising out of another suit for partition of immovable and movable properties located in Rampur, U.P. between the same parties, the hearing of the present suit has been deferred. The decision of the Supreme Court has been delivered on 21st July, 2019 in 'Talat Fatima Hasan v. Syed Murtaza Ali Khan (D) by LRs and Others (2020) 15 SCC 655'.

5. It is further asserted that during the pendency of the appeals before the Supreme Court, the contesting defendants had filed a Transfer petition in the Supreme Court seeking transfer of this case to Supreme Court. However, the said petition was rejected.

6. It is claimed that in case the amendments are not allowed, the plaintiff would suffer irreparable loss and would be prejudiced beyond restitution while no prejudice shall be caused to the other parties. A prayer is, therefore, made that the amendment of the paragraphs as stated above, may be allowed.

7. The application is contested by **defendant No.1(iv) who in his detailed reply** has asserted that all the averments made in the application are traversed and specifically denied except those which are admitted expressly. It is claimed that the application is malafide, misconceived and misguided and is a gross abuse of the process of law.

8. The first plea taken to oppose the proposed amendments is that they are barred by limitation. It is claimed that the proposed insertions are based on the basis of demise of parties from time to time and inclusion of legal heirs as well as change of their shares on account of demise. The cause of



action for effecting these changes first arose on 07th February, 1982 and last on 03rd August, 1993. Despite having impleaded the legal heirs, the plaintiff failed to seek corresponding changes in the shares of the parties by way of amendment of the plaint. No reason has been given for filing this application after a delay of almost 30-40 years. The proposed amendments are, therefore, liable to be rejected. The proposed amendments are also hopelessly barred by time.

9. Likewise, it is asserted that the pecuniary jurisdiction of this Court was varied by Delhi High Court (Amendment) Act, 2015 read with Notification No. 27187/DHC/Orgl. dated 24th November, 2015 whereby all Civil suits having a valuation of less than Rs. 2 crores were required to be transferred to jurisdictional subordinate Courts. The instant amendment should have been preferred within three years of the said Notification but it has been filed only in 2022 i.e. after about seven years and is, therefore, barred by limitation.

10. It is further submitted that the suit involves movable property i.e. jewellery which is contained in three lists annexed along with the plaint and are described in paragraph 13 to 15 of the plaint. There is no other property which is the subject matter of the suit. A bare perusal of paragraph 13 to 15 would show that the properties dealt therein were valued at Rs.5 lakhs, Rs.10 lakhs and Rs.85 lakhs respectively. The sum total of all the movable properties is Rs.1 crore at which the suit was originally valued as is mentioned in paragraph 22 of the plaint. The plaintiff now states that the actual value of the property at the time of institution of the suit was Rs 25 crores.



11. This is contrary to the averments made in a similar application bearing I.A.5863/2022 seeking same amendment which was filed earlier (but withdrawn with liberty to file a fresh application) wherein the plaintiff had contended that *now* the value of the suit property has appreciated and is worth Rs.25 crores. The plaintiff, therefore, himself had asserted that the present value of the property is Rs.25 crores. After realizing that the earlier stand may be futile, the plaintiff has now come up with a new and a completely contrary case that the value of the suit property at the time of filing of the suit was Rs.25 crores, which cannot be permitted. The proposed amendment in regard to valuation of the property is against the very contents of the plaint. Furthermore, it is not permissible to take inconsistent pleas in the plaint and the amendment application is liable to be dismissed.

12. It is further asserted that the amendments under Order VI rule 17 CPC can be allowed only if they are necessary for determination of real questions in controversy between the parties. Vide Order dated 24th August, 1978, following issues were framed for trial:

- "1. Whether the properties mentioned in the Schedule annexed to the Plaint were the properties of late Major General Sir Saiyed Raza Ali Khan Bahadur at the time of his death? (OPP).*
- 2. If issue no. 1 is proved, what are the respective shares of the parties to the suit?*
- 3. Whether the suit is within time?*
- 4. Relief. "*

13. The question of valuation of the suit was not in issue. The plaintiff has miserably failed to aver, much less to demonstrate, how the valuation of the subject property is a real question in controversy in the present case.



The application, therefore, deserves to be dismissed as it fails to meet the requirements of Order VI Rule 17 CPC.

14. Furthermore, the proviso to Order VI Rule 17 CPC clearly provides that application for amendment can be allowed after the commencement of trial only if the plaintiff is able to demonstrate due diligence. Again, this is conspicuously not mentioned in the application and the trial got concluded several decades ago. Hence, there is no reason for allowing the amendment application.

15. It is further submitted that in the case of *Subhashini Malik vs. S.K.Gandhi* (2016) 233 DLT83 this Court had noted that amendments to the plaint are usually retrospective and relate back to the date of original filing. Assuming but not conceding that the amendment is permitted in the present case, it would have the effect of enhancing the suit valuation for the purpose of institution of the suit. Clearly, this cannot be done, once there is no dispute in regard to the valuation of the suit property. Reference has also been made to the observations of Madras High Court in *SI Bullah Khan vs. Hairunisha Beevi & Ors.* 2016-4-LW-430 which held that the amendments would relate back to the date of institution of the suit.

16. **On merits**, all the averments made in the application are denied and it is claimed that the application is liable to be dismissed.

17. **Submissions heard.**

A. *Proposed amendment is barred by Limitation:*

18. Before considering the application on merits, it would be pertinent to refer to first consider the objection taken at the outset on behalf of the defendant about the proposed amendment being barred by limitation. It is



claimed that the suit was filed on 20th May, 1972 while the present application has been filed in the year 2022 after about 50 years. Any amendment which is allowed to be made in the plaint relates back to the date of institution of the suit. This amendment application is highly belated as it is not based on any subsequent events. Furthermore, if at all the right to seek amendment accrued on the Notification of Delhi High Court dated 24th November, 2015, whereby the pecuniary jurisdiction of this Court was changed. If the cause of action is deemed to have arisen on account of this Notification then too it could have been filed within three years from the Notification but the application has been filed after seven years and is beyond the period of three years. It is argued that whichever way this aspect may be considered, the application of the plaintiff is hopelessly barred by limitation.

19. The contention raised on behalf of the defendant appears to be self contradictory. While on one hand it is claimed that the amendment if allowed, would be effective from the date of institution, on the other hand the same is claimed to be barred by limitation. If the amendment is permitted, then it relates back to the date of institution and there is no question of the same being barred by limitation. This is more so because essentially the amendment is sought only in respect of the valuation of the suit property. It does not touch on the merits of the suit nor does it claim any variation in the suit property. This argument addressed on behalf of the defendant of the proposed amendment being barred by limitation is clearly not tenable under law.



B. Whether proposed amendment for enhancement of valuation meets the tests for allowing the amendments under Order VI Rule 17 CPC.

20. The rules or procedure as contained in Code of Civil Procedure are only handmade to justice and any pedantic approach in interpreting them strictly does not serve the cause of action as has been held in catena of judgments. The procedural rules cannot be interpreted to defeat the interest of justice and must be liberally construed to propagate the determination of the controversy in the suit. To appreciate the scope of the amendment proposed by the plaintiff, apropos reference be made to the section itself.

Order VI Rule 17 of the CPC as un-amended reads as under:

"Amendment of pleadings.- The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties."

21. It was felt that one major bottleneck to expeditious disposal of the suits in the Civil Court were frequent filing of application under Order VI Rule 17 which prompted the legislation in the year 1999 to delete the amendment provision as contained in Order VI Rule 17 from the Code of Civil Procedure. However, realizing that the amendment may be warranted for various reason, it was re-introduced in the year 2002 but with the *proviso* that once the trial has commenced, the amendment can be allowed only if it could not have been done despite exercise of due diligence.



22. Order VI Rule 17 of the CPC as amended w.e.f. 01st July, 2002 reads as under:

"Amendment of pleadings.- The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties :

***Provided** that no application for amendment shall be allowed after the trial has commenced, **unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial.**"*

23. Order VI Rule 17 of the CPC provides for the **twin test** to be satisfied for permitting any amendment as have been enunciated by Batchelor J. in Kishan Dass Roop Chand vs. Rachappa Vithoba Shilwant ILR (1909) 33 Bombay 644 which was reiterated in the decision of J. Samuel and Ors. vs. Gattu Mahesh & Ors. (2012) 2 SCC 300. It was explained that the amendment can be allowed only on satisfaction of **two conditions; firstly** *no injustice must be done to the other side*; and **secondly** the amendment must be necessary for the purpose of *determination of real controversy* between the parties. It was further observed that amendment should be refused only when the other party cannot be placed in the same position as if the pleadings had been originally correct and the amendment would cause him injury which cannot be compensated in costs.



24. This judgment was relied upon in L.J. Leech & Co. Ltd. vs Jardin Skina & Co. AIR 1957 SCC 357 and Pirgonda Hongonda Patil vs. Kalgonda Shidgonda Patil AIR 1957 SCC 363.

25. Now with the proviso being added, the **third condition** to be satisfied is that the Court must come to a conclusion that despite the exercise of *due diligence*, the said amendment could not have been made by the party *before the commencement of trial*.

(i) Exercise of Due Diligence:

26. The amendment application has been opposed by the defendants on the ground of lack of *Due diligence* in moving this application promptly. Learned counsel for the defendants has taken an objection that the trial stands concluded way back in 2001 and the matter is lingering for final arguments since then on account of various appeals and Order in the connected matter. The final decision in the connected matter has come in the year 2019 by the Supreme Court of India and since then the matter is again lingering for final arguments. It is claimed that once the trial got concluded in the year 2001, there is no trial pending and there is also no explanation given in respect of due diligence in terms of proviso to Order VI Rule 17 CPC and thus, the application is liable to be dismissed.

27. Learned counsel on behalf of the plaintiff has countered this argument by claiming that the *proviso* to Order VI Rule 17 which has been added by way of amendment in 2002, cannot be invoked in the present suit which was instituted in the year 1972 and the un-amended Order VI Rule 17 is applicable to the present proceedings which does not impose the condition of due diligence. Reliance has been placed on State Bank of Hyderabad vs.



Town Municipal Council (2007) 1 SCC 765 wherein it was observed that suits which have been filed prior to the amendment to Order VI Rule 17 CPC in the year 2002, the *proviso* of Order VI Rule 17 shall not be applicable.

28. It is evident that the proviso to amended Order VI Rule 17 CPC would not be attracted to this case instituted in 1972 and the same has to be tested on the touch stone of un-amended Order VI Rule 17 CPC. Therefore, this amendment application cannot be out rightly rejected by observing that the amendment is proposed lacks due diligence and is proposed after the trial has been concluded.

(ii) Amendment for change in Suit Valuation: whether necessary for Determination of the real controversy between the parties:

29. The other aspect which needs consideration is whether the proposed amendment is necessary to determine the real controversy between the parties.

30. Section 15 of CPC provides that every suit shall be instituted in the Court of lowest grade competent to try it. Generally, when a suit is triable by a Court of lowest grade but is instituted in the Court of higher grade, the later court had jurisdiction to examine the question of its own jurisdiction and return the plaint if it does not have jurisdiction. It is the valuation of the plaint that determines the jurisdiction and the averments made in the written statement generally are irrelevant to the question of jurisdiction.

31. In Tara De vs. Thakur Radha Krishan Maharaj AIR 1987 SC 2085 and Nandita Bose vs. Rattan Lal Nahata AIR 1987 SC 1947, it was observed



that although the plaintiff's valuation of the suit determines the pecuniary jurisdiction of the Court, but such valuation cannot be arbitrary.

32. In V. RamaMirtham Sole Proprietor Glorious Pictures vs. Ram Film Service AIR 1951 Madras 93 Full Bench, it was opined that the object of Section 15 of the Code is to prevent the superior courts from being flooded or overcrowded with the suit's triable by the inferior courts. This Section primarily regulates the procedure and not jurisdiction. It recognizes that the courts or more than one court may have jurisdiction to try this suit and thus uses the expression "the court of the lowest grade". There is thus, a difference between 'subject matter' and 'pecuniary jurisdiction', the latter being dependent upon the valuation affixed by the plaintiff. These are different and distinct facets of jurisdiction all of which cannot be put in a straight jacket.

33. Further, a distinction needs to be drawn between institution of a suit in the court of competent jurisdiction at the start of the proceedings and subsequent change resulting in lack of jurisdiction. The Court may subsequently lose jurisdiction in certain circumstances as in the present case when the statutory amendment has taken this suit out of its jurisdiction.

34. The Full Bench of this court in the case of Shubhashini Malik (supra) while answering the reference had observed that though the plaintiff is the *dominus litus* and has a prerogative to choose the remedy and the forum as also to put appropriate valuation to the relief, the discretion cannot be exercised arbitrarily or capriciously and the same is open to objections by the opposite party and, therefore, subject to judicial scrutiny. The continuation in or retention before the forum whose jurisdiction initially may have been properly invoked, is not a vested right and the same is



subject to the requirements of justice. The jurisdiction of the competent court to order the transfer of such *lis* is subject to legislative mandate by amendment of law reflecting the public policy. It was further observed that the right of a party to the proceedings in a Civil Court to amend the pleadings is qualified by the consideration of its necessity for determination of the real question in controversy. The discretion given by the law to put an appropriate valuation to the reliefs in the nature of declaration and injunction at the threshold may generally be not open to question but the move to make amendments in such valuation would have to pass the same test as is applied in the case of amendments of pleadings and thus, must be bonafide and not arbitrary, capricious or irreparably prejudicial to the defendant.

35. It has been rightly pointed out on behalf of the defendant that whatever amendment is permitted it has to relate back to the date of institution of the suit. It has to be shown that the valuation of the property was Rs. 25 crores at the time of institution of the suit. It thus, requires consideration as to whether there is any justification or basis for the proposed change in valuation of the suit property from Rs.1 Crore to Rs.25 crores as claimed by the plaintiff.

36. The plaintiff had filed an earlier I.A. No.5863/2022 under Order VI Rule 17 CPC making specific averments that “the present valuation of the suit property is Rs. 25 crores”. There is a clear admission of the plaintiff himself that the value of the property has got enhanced to Rs.25 crores in the last fifty years since when the case was filed. There was no assertion made that the value of the property had not been assessed correctly at the time of institution of the suit. The plaintiff in paragraph 22 of the original plaint had



stated that the valuation of the property was done on the basis of existing Government Records and Tax Returns which implies that a conscious assessment of the valuation of the property was done at the time of institution of the suit in the year 1972. Now when the plaintiff is claiming that the valuation of suit property was Rs.25 crores at the time of institution of the suit, there is neither any basis nor any documents filed to prima facie justify that the valuation was done incorrectly initially. Rather, the averments made in the earlier amendment application clearly reflect that Rs. 25 crore is the present valuation of the suit property and not when the suit was first instituted. It is evident that the first application was withdrawn as the objection was taken on behalf of the defendants that the present valuation cannot be the criteria for amendment of suit valuation in the original plaint instituted in 1972. Now in this application the plaintiff has shifted its stand to assert that the valuation of Rs. 25 Crore was as on the date of institution of the suit, which is clearly an afterthought to overcome the hurdle for seeking amendment.

37. This is fortified by the fact that the suit properties are jewellery as detailed in Exhibit 1, 2 and 3. The valuation has been given as Rs.5 lakhs, Rs.10 lakhs and Rs.85 lakhs respectively and thereby the suit property was valued at Rs.1 Crore. It may also be noted that the suit property is gold and diamond jewellery value of which is determinable on independent parameters. The rate of gold in the year 1972 was Rs.242.57 per 10 grams. There is no basis whatsoever for saying that the valuation of the property was Rs.25 crores at the time of institution of the suit. The plaintiff has made a weak attempt to justify the enhancement of pecuniary jurisdiction that the initial valuation was done on the basis of govt records and Tax returns.



However, neither the details of such records were disclosed in the original plaint nor are there any specific details nor any documents filed to support the variation in valuation in the present application.

38. Similar facts as agitated in present application came up for consideration before the co-ordinate bench of this Court in Arb Inc vs United India Insurance Co. Ltd & others in CM(M) 1304/2017 decided on 21st November, 2017 wherein it was observed that the facts disclosed that the sole objective of amendment was to retain the case in this Court.

“...I have thus enquired from the senior counsel for the petitioner/plaintiff, whether the petitioner/plaintiff is not confident of getting the relief prayed for and / or for other reasons does not want early disposal of the Suit. Judicial notice can be taken of the fact that owing to the heavy roster on the ordinary original civil jurisdiction of this Court, the Suit, if brought back to this Court on enhancement of valuation, is not likely to be decided by 31 st December, 2017.

13. The petitioner/plaintiff is an American company. If it is felt that the petitioner/plaintiff will have an early adjudication of its claim, which has already been pending for the last fourteen years, I do not see any reason why at the sweet will of the petitioner/plaintiff, the Suit should be permitted to remain pending.

...



16. A litigant, though has a right, to value a certain class of suits as per its discretion and to thereby determine whether the suit is filed before the Civil Judge or the District Judge or the High Court, the three tiers in which the suit jurisdiction is layered, but cannot be allowed to change valuation arbitrarily, particularly when such arbitrariness prejudices administration of justice, bringing justice delivery system to disrepute, by conveying to litigants sitting in far away lands that disposal of suits remains pending indefinitely.”

39. It was concluded that no prejudice would be caused to either party if the suit is tried by the District Judge and the amendment motivated solely to retain the case in the High Court was disallowed.

40. In the present case as well, it is quite evident that the sole objective with which the amendment is proposed to be made is to retain the suit within the jurisdiction in this Court by enhancing the pecuniary valuation. There can neither be any reason nor any basis especially when the plaintiff has not been able to show any prejudice which may be caused to him purely because of transfer of this case to the District Courts.

(iii) *No injustice to other party:*

41. The other test for considering any amendment is that no injustice is caused to the other party. As already discussed above, the amendment being not necessary for determination of real controversy, this aspect becomes irrelevant for consideration.



Amendment in respect of redefining the shares of the various legal heirs of the defendants:

42. The other amendment sought is *in respect of redefining the shares of the various legal heirs of the defendants* who have died during the pendency of the suit. It cannot be overlooked that when the trials get prolonged over a period of time, the parties may die and may get substituted by the legal heirs, but it is settled law that the legal heirs step into the shoes of the deceased parties and have the same rights and entitlements as the deceased persons. In case the law diminishes or enlarges their share on account of demise of the legal heirs, it is a question of law which can be considered at the time of final arguments. No formal amendment in redefining of the shares of legal heirs on account of death of the original defendants is warranted in the present case.

Conclusion:

43. In view of the above discussion, it is held that the proposed amendments do not meet the tests propounded under Order VI Rule 17 CPC for permitting the amendment in the valuation of the suit or other amendment as claimed by the plaintiff .

44. The amendment application is, therefore, held to be without merit and is hereby dismissed.

I.A.11951/2022

1. An application under Section 151 CPC has been filed on behalf of defendant No.3(i), 3(ii) and 3(iii) for exercise of powers by this Court under Section 24 CPC to retain the suit in this Court for final adjudication.



2. It is submitted in the application that the present suit for partition has been pending before this Court since 1972 i.e. for the last fifty years. The matter was at the stage of Final Arguments but was deferred awaiting decision of the Supreme Court in another connected matter between the parties titled ‘Talat Fatima Hassan vs. Sayed Murtaza Ali Khan through legal heirs and Ors. (2020) 15 SCC 655’ which was decided on 31st July, 2019.

3. It is submitted that the valuation of the suit was at Rs.1 Crore in the year 1972. In 2014, the pecuniary jurisdiction of this Court was raised to Rs.2 crores and above. An application has been filed by the plaintiff for amending the plaint to correct the valuation for the purpose of jurisdiction to Rs.25 Crores.

4. The defendants have asserted that *de hors* the amendment application filed on behalf of the plaintiff for correcting the suit valuation and to raise it beyond Rs.2 crores, it would not be in the interest of justice if this suit is transferred to the District Courts on specious plea of this Court having lost the pecuniary jurisdiction. It is prayed that this Court may exercise its powers under Section 24 of Code of Civil Procedure which empowers this Court to withdraw any suit pending in any court subordinate to it and decide this matter finally on merits.

5. The application is contested by defendant No.1, who has asserted that bare perusal of Section 24 would show that the powers under Section 24 may be exercised in two situations viz. **one** for the transfer of a pending case before this Court to a subordinate court in case of change of pecuniary jurisdiction; and **second** is to withdraw the pending case from the



subordinate court irrespective of the suit valuation, for adjudication by this Court. The present suit is still pending before this Court and is not pending before the subordinate court and thus, Section 24 cannot be invoked to retain a case before itself as it is not a case pending before the subordinate court.

6. Submissions heard.

7. While the objection taken on behalf of defendant No.1 may not be legally tenable in the sense that once it is held that this Court has no pecuniary jurisdiction and the matter is required to be sent back to the District Courts in view of the Notification dated 24th November, 2015 of Delhi High Court, it cannot be said that the suit continues to be pending before this Court thereby making Section 24 inapplicable in the given circumstances. Once it is held that this Court has no pecuniary jurisdiction and the case is required to be transferred to the District Courts, merely because physical file is still pending here would not deprive the Court's power under Section 24 to direct its retention before itself.

8. Having said that, it may be considered whether it is a fit case for exercise of powers under Section 24 CPC by this Court. Undoubtedly, this case was instituted in 1972 and has been at the stage of final arguments since about 2001. However, the delays have been on account of multiple other litigations pending before other Forums. The learned counsel on behalf of defendant No.3 has not been able to give any explanation as to how this Forum would be more expeditious than the District Courts. It is a known fact that the regular civil matters get disposed of much more expeditiously before the District Courts.



9. The only concern expressed by the defendant is that there should be expeditious disposal of this fifty year old suit. There is nothing to show that the final decision in this case would get delayed merely because the case is transferred to the District Courts. Therefore, there is no merit in the present application which is hereby dismissed.

10. The application is disposed of accordingly.

CS (OS) No.219/1972

1. Since the valuation of this suit is Rs 1 crore, in the light of change in pecuniary jurisdiction of this Court vide Delhi High Court (Amendment) Act, 2015 read with Notification No. 27187/DHC/Orgl. dated 24th November, 2015 this case is transferred to the Court of Learned Principle District and Sessions Judge, New Delhi District, Patiala House Courts, New Delhi and the parties are directed to appear before the Court of Learned Principle District and Sessions Judge, New Delhi District, Patiala House Courts, New Delhi on 27th October, 2022 for adjudication of this suit in accordance with law by the competent court. Considering it is a case pending for last 50 years, an endeavour be made for its expeditious disposal.

2. The next date of hearing, if any, stands cancelled.

(NEENA BANSAL KRISHNA)
JUDGE

OCTOBER 12, 2022

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