

GULSHAN KUMAR CHAWLA Vs. VIJAY KUMAR CHAWLA AND  
ANR.

13.12.2024

Present: Sh. Pankaj Kumar Agarwal, Id. Counsel for the  
plaintiff alongwith plaintiff in person.  
Sh. V.V. Singh, Id. Counsel for the defendant no. 1  
alongwith defendant no. 1 in person.  
Mohd Iqram, Id. Counsel for defendant no. 2.

Reply of application u/o 14 rule 5 CPC has been filed  
on behalf of plaintiff.

Ld. Counsel for the defendant submits that he has  
mentioned in the written statement that the value of the suit  
property is more than 4,29,66,000/- and this court has jurisdiction  
to entertain the suit up to value of Rs. 2 crore.

Ld. Counsel for the plaintiff has disputed the above  
said valuation.

Ld. Counsel for the defendant has prayed to the court  
to frame issue to the effect that this court has no pecuniary  
jurisdiction to try and entertain the present suit.

As per order 14 rule 5 CPC, the court can frame  
additional issue at any time before passing a decree.

In the written statement the defendant has already  
taken objection regarding the value of the suit property more than  
from the pecuniary jurisdiction of this court, so this court deems it  
fit to frame additional issue no. 7 A, and the same is as under:

Contd. 2

**Additional issues No. 7 A**

**7A. Whether this court has no pecuniary jurisdiction to try and entertain the present suit? OPD 1**

Application under order 14 rule 5 CPC stands disposed off accordingly.

Ld. Counsel for the plaintiff submits that in the earlier application filed for taking additional documents on record, he inadvertently mentioned the wrong provision. He further submits that he is pressing only one application dated 01.07.2024 which is filed on 8.8.2024 bearing IA 2/24.

He further submits that the other two applications may be disposed off as not pressed.

Ld. Counsel for the plaintiff submits that no other application except above said application, is pending for disposal.

Ld. Counsel for D-1 submits that his only one application seeking correction in order dated 13.09.2022 is pending for disposal. Copy of the same be supplied to ld. Counsel for the plaintiff.

Ld. Counsel for D-2 submits that issues were framed in the present case, before filing of W.S on behalf of D-2 so the issues may be amended as per the written statement of defendant no. 2.

The D-2 is at liberty to move application for amendment of the issues if there are valid reasons for moving the same but if there are no valid reason then the application will be treated as tactics or delaying the proceedings of the case.

Contd. 3

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Put up for consideration of above said two applications on 21.03.2025.

(SHIV KUMAR)  
District Judge-02, Court no.127,  
West Distt, Tis Hazari courts  
Delhi:13.12.2024