

SUITS VALUATION ACT, 1987, SUIT FOR PERMANENT
INJUNCTION FOR RESTRAINING DDA.

158(2009) DELHI LAW TIMES 289
DELHI HIGH COURT
Hima Kohli, J.

ARUN KUMAR JAIN & ANR-PETITIONER

Versus

DDA-

Respondent

OMP No. 9 of 2007- Decided on 18.12.2008

1. Arbitration and conciliation act 1996-sections 34, 42 r/w section 2 (e)-suits Valuation Act, 1987- Section 8, 9 r/w Section 7 (iv) 20 lacs- suit for permanent injunction for restraining DDA from cancelling perpetual sub lease Deed of premises in question-relief sought in respect of property having value above Rs. 20 lacs –Had the claims made by respondents /DDA for payment of amounts claimed towards unearned increase carry out mutation in favour of petitioners payments towards conversion charges of suit property of free holds, been rejected, natural consequence would be entitlement of petitioners to claim mutation and conversation of property in to free Holds, in their favour, without paying unearned increase, interest and conversion charges to DDA –said relief sought by petitioners can not be treated as an independent claim and valued separately for purpose considering pecuniary jurisdiction of this court – value of suit property has no relevance for purpose of deciding issue of pecuniary jurisdiction of this court entertain this petition -1992 respondent/DDA came out with a policy for conversion of lease holds properties into free hold, duly means that petitioners could have enlarged relief sought in the suit by amending same and/ or valuing same additionally-this was does not done as application filed by respondent /DDA under section 34 of Arbitration and conciliation Act was pending disposal-petitioners cannot seek any benefit by seeking parity with civil suit for purpose of deciding maintainability of petition of this court –this court does not have pecuniary Jurisdiction to entertain present petition.

[Para 8 to 12]

- (ii) Suit Valuation- question of valuation of relief sought in a plaint, is left to the plaintiff who is dominus litus and ought to be ordinarily accepted by the court.

Result: *Order accordingly*
