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

+ C.R.P. 27/2019 & CM APPL. 4828/2019

RAM GOPAL SHARMA & ORS ..... Petitioners

Through Mr. Manu Bansal and Mr. Sameer  
Chandila, Advocates

versus

S P DIXIT ..... Respondent

Through Mr. Shiv Kumar Tyagi and Mr.  
Manish Kr. Singh, Advocates

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV SACHDEVA**

**ORDER**

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**29.11.2019**

1. Mr. Shiv Kumar Tyagi, Advocate enters appearance for the respondent.

2. Petitioner impugns order dated 24.08.2018 and 25.09.2018 whereby the application of the petitioner under Order VII Rule 11 CPC has been deferred on the ground that same would be considered after evidence led by the parties.

3. Learned counsel for the petitioner contends that the application under Order VII Rule 11 CPC was filed on the ground that the suit filed by the respondent is ex-facie barred by limitation.

4. Learned counsel for the respondent submits that the respondent had earlier filed a suit, admittedly within the period of limitation which was withdrawn with liberty to file afresh Suit on the same

cause of action and subsequently subject Suit was filed within limitation.

5. Learned counsel for the petitioner without prejudice submits that the present revision petition was filed because no specific issue on limitation was framed before the Court. He further submits that the trial court has deferred his application to be considered after the evidence to be led on issue of limitation to be framed by the Court.

6. Keeping in view of the facts and circumstances of the case and on perusal of the record and also the written statement, it is seen that the petitioner has specifically taken a plea that the suit is barred by limitation. Accordingly, an additional issue is framed in the Suit as under:-

“Whether the suit is beyond limitation? OPD”

7. The petition is accordingly disposed in the above terms.

8. Order *dasti* under signatures of the Court Master.

**NOVEMBER 29, 2019**  
**‘rs’**

**SANJEEV SACHDEVA, J**