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% 21.10.2011

Present: Mr. Rajiv Talwar and Mr. Nipu Patiri, Advocate for the petitioner.
Mr. G.B., Sewak, Advocate for the respondents.

+ CM(M) NO. 1048/2010 and CM No. 14650/2010

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Order impugned before this Court is the order dated 09.04.2010 vide which the application filed by the defendant under Order 7 Rule 11 of the Code of Civil Procedure (hereinafter referred to as 'the Code') had been dismissed.

The present suit is filed for recovery of ₹ 10 lacs as damages for a libel committed by the defendant. Limitation is of one year and the cause of action has been averred in the plaint. Contention in the application before the Trial Court was that the suit is barred by limitation; the signatures of the plaintiff are forged. Contention of the defendant was that Suit No. 502/2003 had been filed as far back as on 15.05.1998; the limitation was to commence from there. The Court had rightly adverted to the law in dealing with an application under Order 7 Rule 11 of the Code where the averments in the plaint alone have to be seen and not the defence set up by the defendant. Reply to the application under Order 7 Rule 11 of the Code had not been filed by the plaintiff yet the contention urged before the Court today is that this Suit No.

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Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

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502/2003 is in no manner connected with the present proceedings.
In this view of the matter, the impugned order calls for no
interference.

Petition is without merit; it is dismissed.


INDERMEET KAUR, J

OCTOBER 21, 2011
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- Fresh Review Pet. 674/11 - U/O-47, R-I CPC

- Fresh CM. 20504/11 for Exemption

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

+ CM(M) 1048/2010

GHANSHYAM HEMLATA DIVYA
MANDIR SOCIETY & ORS

..... Petitioners

Through: Mr.Rajiv Talwar and Mr.Nipu
Patiri, Advocates.

versus

HARIDWAR PRASAD SINGH & ANR

..... Respondents

Through: Mr.G.B.Sewak and Mr.Chandan
Kumar, Advocates.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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14.11.2011

**CM NO.20504/2011 (for exemption) in REVIEW PET
No.674/2011**

Exemption is allowed subject to just exceptions.

REVIEW PET No.674/2011

This is a review petition of the order dated 21.10.2011. Learned counsel for the petitioner urges that there is a mistake apparent on the face of the court and the court has noted that Suit No.502/2003 is in no manner connected with the present petition which is not correct factual averment. This Court had noted and observed this in the order dated 21.10.2011 on the submission made by the learned counsel for the respondent; the

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order impugned before the Court in the present proceedings was the order dated 09.4.2010 which had dismissed the application of the petitioner under Order 7 Rule 11 of the Code of Civil Procedure. The reasons have been noted in the aforementioned order. Plaint has again been perused. No ground is made out for review of the order. Dismissed.

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INDERMEET KAUR, J

NOVEMBER 14, 2011
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