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

+ C.R.P.165/2009

RAJ KUMAR GUPTA

..... Petitioner

Through: None.
versus

LATA MALHOTRA

..... Respondent

Through: Ms.Suman Kapoor, Advocate.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
14.11.2011

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The order impugned before this court is the order dated 29.9.2009 wherein an application filed by the defendant under Order VII Rule 11 of the Code of Civil Procedure had been dismissed.

Record shows that present suit is a suit for recovery and damages; a sum of ₹9,99,108/- had been claimed by the plaintiff against the defendant. The application filed by the defendant under Order VII Rule 11 of the Code has also been perused; contention is that the suit is barred by limitation. Impugned order had rejected this contention of the defendant; impugned order had correctly noted it is only the averments in the plaint which have to be noted for dealing with an application under Order VII Rule 11 of the Code and the trial court had found that the

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averments in the plaint do not make out a case for rejection of the plaint.

None has appeared for the petitioner. Matter is on Board. Learned counsel for the respondent has informed the court that the trial is in progress; specific issue on limitation along with other issues has been framed; plaintiff has entered the witness box and is under examination.

This petition has become infructuous; it is disposed of accordingly.



INDERMEET KAUR, J

NOVEMBER 14, 2011
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- Fresh CM. 21037/11 for restoration

- Disposed of "Regular matter"