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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 569/2015 & C.M. No.10764/2015 (stay)

DEVKI NANDAN

..... Petitioner

Through Mr. Ram .Prakash Gupta, Adv.

versus

AJAY KUMAR KAIM & ORS

..... Respondents

Through Mr. B.B. Gupta and Mr. Sangam
Khetarpal, Advs.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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10.02.2016

Order impugned before this Court is the order dated 23.02.2015 passed by the learned Additional District Judge. This order was against an interim order dated 19.02.2010 passed by the Civil Judge whereby the injunction application filed by the plaintiff/petitioner before this Court had been dismissed. In the appeal before the Appellate Court, an application seeking condonation of delay was also filed wherein it appears that certain wrong dates were mentioned; this was sought to be rectified by moving an application under Order 6 Rule 17 of the CPC which was also filed before the Appellate Court but it appears that this application was not decided. The impugned order dated 23.02.2015 was passed on the averments made in the earlier application wherein wrong dates of the year 2009 had been mentioned.

This factual narration is admitted. Accordingly, it would be appropriate that the application pending before the Appellate Court

under Order 6 Rule 17 of the CPC seeking an amendment in the application under Section 5 of the Limitation Act (which had accompanied the appeal) be decided in the first instance.

Petition disposed of in the above terms.

Parties to appear before the concerned Additional District Judge on 25.02.2016. Any observation made in this order will not affect the merits of controversy which will be raised before the Trial Court.

INDERMEET KAUR, J

FEBRUARY 10, 2016

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