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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ C.R.P. No.164/2017 & CM No.26564/2017(for condonation of 21 days delay in filing).
RAJESH CHANDRA SHARMA & ANR Petitioners
Through: Mr. Vikram Aggarwal, Adv.
versus
PREMCHAND SHARMA & ANR Respondents
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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28.07.2017

CM No.26563/2017 (for exemption).

1. Allowed, subject to just exceptions.
2. The application stands disposed of.

C.R.P. No.164/2017 & CM No.26564/2017(for condonation of 21 days delay in filing).

3. This Revision Petition under Section 115 of the Code of Civil Procedure, 1908 (CPC) impugns the order (dated 6th April, 2017 in Suit No.978a/14 of the Court of Civil Judge-01 (South), Saket Courts, New Delhi) on an application of the respondents / defendants under Order XIV Rule 2 of the CPC. The order is as under:-

*“Copy of judgments on behalf of the plaintiff filed.
Be taken on record. Copy be supplied to the defendants at
least 15 days prior to the next date of hearing.*

*From a careful consideration of the pleadings as
well as arguments put forth, it appears proper to decide
upon the maintainability of the suit before proceeding
further. Accordingly, a preliminary issue is framed as
under:-*

Issue no.1 Whether the suit is maintainable in its present form considering the valuation, court fees and the relief sought? OPP

Since in the present case, limitation is mixed question of law and fact, therefore, a preliminary issue on the question of limitation is not being framed.

Application of the defendant under Order XIV Rule 2 CPC is being accordingly disposed off.

Put up for arguments on the preliminary issue on 30.5.2017.”

4. The petitioners, along with this petition, have not filed copies of the pleadings in the suit or in the application under Order XIV Rule 2 of the CPC. Without the same, the challenge cannot be understood.
5. The counsel for the petitioners states that he will file the same.
6. The counsels, by their lacunas in filing, cannot make the Court waste its time and read the file again and again.
7. Cautioning the counsel and burdening the petitioners with costs of Rs.5,000/- payable to the Delhi High Court Bar Association Lawyers' Social Security and Welfare Fund, New Delhi, opportunity is given to the counsel to make up the deficiency.
8. List on 28th August, 2017.
9. Filing of this petition to not come in the way of Trial Court proceedings in the suit.

RAJIV SAHAI ENDLAW, J

JULY 28, 2017

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