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

+ C.R.P. 73/2017 & C.M. 11509-10/2017

SHRI SHIVRAJ GUPTA & ANR. Appellants
Through: Mr. Vikas Dhawan, Mr. Sabmit
Nanda & Mr. S. Panda, Advocates

Versus

THE REGISTRAR OF SOCIETY & ORS. Respondents
Through: Nemo.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
24.03.2017

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1. Impugned order of 17th February, 2017 is an interim order which directs that application for amendment of plaint as well as application for treating the issue of limitation as preliminary issue would be heard on 17th April, 2017. The prayer of petitioner to take up the application for amendment of plaint first, is noted in the impugned order but still it is observed therein that both the applications would be heard on the next date of hearing.

2. Learned counsel for petitioner submits that hearing on both the application together would not serve any purpose for the reason that if amendment of plaint is allowed, then pecuniary jurisdiction to deal with this matter would be of this Court and not of trial court. It is submitted that impugned order puts the cart before the horse. To submit so, reliance

is placed upon a decision of a Division Bench of this Court of 3rd September, 2014 in FAO No. 295/2014 *Harish Relan Vs. Kaushal Kumar Relan*.

3. Instead of putting the opposite side to notice and then to decide this petition, it is deemed appropriate to dispose of this petition *in limine* while making it clear that first application for amendment of plaint be heard and orders be passed thereon and thereafter only, the application for treating the issue of limitation as preliminary be taken up for consideration, if an occasion to do so arises.

4. With aforesaid directions, this petition and the applications are disposed of.

5. *Dasti*.

(SUNIL GAUR)
JUDGE

MARCH 24, 2017

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