

\$~1

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ C.R.P. 142/2017 & CM No.22948/2017 (for stay)  
BALRAM (DECEASED) THR LRS & ORS. .... Petitioners  
Through: Mr. V.P. Rana, Adv.  
Versus  
SANTOSH GARG ..... Respondent  
Through: None.

**CORAM:**  
**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**  
% **12.07.2017**

1. This Revision Petition under Section 115 of the CPC impugns the order dated 6<sup>th</sup> March, 2017 (of the Court of learned Additional District Judge-13, Central District, Tis Hazari Courts, Delhi in Civil Suit No.18443/2016 filed by the respondent / plaintiff against the petitioners / defendants) of dismissal of the application filed by the petitioners / defendants under Order VII Rule 11 of the CPC.
2. After some arguments, the counsel for the petitioners / defendants states that though the petitioners / defendants had sought rejection of the plaint under Order VII Rule 11 of the CPC *inter alia* on the ground of the suit claim as per the amended plaint being barred by time but the petitioners / defendants in their written statement to the amended plaint also have taken the defence of limitation and no issue has been framed thereon as yet. He states that he does not press this petition with liberty to, at the time of framing of the additional issues, seek framing of additional issues on the grounds on which the rejection of the plaint under Order VII Rule 11 of the CPC is sought and if aggrieved therefrom, take appropriate remedies.
3. Dismissed as withdrawn with liberty aforesaid.

**RAJIV SAHAI ENDLAW, J**

**JULY 12, 2017/‘gsr’..**