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

+ RFA 730/2017

S.S LAMBA

..... Appellant

Through: Mr. L.K. Garg, Advocate with Ms.
Hena Lamba, Advocate and Mr.
Bharat Garg, Advocate.

versus

M/S PARAMOUNT INDUSTRIES & ANR Respondents

Through: Mr. Mohit Aggarwal, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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30.10.2017

1. After arguments, this appeal is disposed of with the consent order by setting aside the impugned order dated 20.4.2017 and it is agreed that the issue of limitation being an issue of fact requiring trial will be decided by the trial court at the stage of final arguments. It is made clear that this Court has not observed one way or the other as to whether the suit is within limitation or the suit is time barred and such issue will be decided by the trial court at the stage of final arguments in accordance with law.

2. Parties to appear before the District & Sessions Judge (West), Tis Hazari Courts, Delhi on 24th November, 2017 and the District &

Sessions Judge will mark the suit for disposal to the court which is hearing the counter claim filed by the respondents/defendants namely the Court which passed the impugned order being the Court of Sh. Rakesh Kumar-IV, ADJ-06 West District, Tis Hazari Courts, Delhi.

VALMIKI J. MEHTA, J

OCTOBER 30, 2017

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