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

+ **RFA 439/2016**

MADAN LAL JAIN

..... Appellant

Through: Mr. V.P. Rana, Advocate for LR(iii)
of appellant (Mobile No.
9811165700).

versus

MANISHA GOEL & ORS

..... Respondents

Through: Mr. S. Chaturvedi, Advocate (Mobile
No. 9810294200).

+ **RFA 440/2016 and C.M. Appl. No. 24728/2016 (for delay)**

MADAN LAL JAIN

..... Appellant

Through: Mr. V.P. Rana, Advocate for LR(iii)
of appellant (Mobile No.
9811165700).

versus

POONAM GARG & ORS

..... Respondents

Through: Mr. S. Chaturvedi, Advocate (Mobile
No. 9810294200).

+ **RFA 446/2016**

MADAN LAL JAIN

..... Appellant

Through: Mr. V.P. Rana, Advocate for LR(iii)
of appellant (Mobile No.
9811165700).

versus

BHARAT KUMAR GARG & ORS

..... Respondents

Through: Mr. S. Chaturvedi, Advocate (Mobile
No. 9810294200).

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **23.10.2018**

1. After arguments these appeals are disposed of with the consent order by setting aside the impugned judgments rejecting the plaint as time barred against certain defendants. In RFA No. 436/2016 the plaint has been rejected as time barred as against defendant nos. 1 and 2. In RFA No. 440/2016 the plaint has been rejected as time barred against defendant no. 1 and in RFA No. 446/2016 the plaint has been rejected as time barred against defendant nos. 1 and 4.
2. It is, however, made clear that all issues of facts and law, including the issue of limitation, will be decided at the stage of final arguments in the suit, after the parties have led evidence.
3. As also agreed the appellant/plaintiff will not be allowed more than three opportunities to file affidavits by way of evidence and at best two more opportunities are granted in case the appellant/plaintiff has to summon any witnesses.
4. Trial court is also requested to expedite the disposal of the suits without granting any unnecessary adjournments to either of the parties.
5. Appellant, through Mr. Ajay Jain, will also file amended memo of parties in these appeals so as to represent appellant/plaintiff, but in case Mr. Ajay Jain is only one legal heir then the other legal heirs of the deceased

plaintiff will be brought on record in the trial court as plaintiffs or in case they do not support Sh. Ajay Jain, then such legal heirs of deceased Sh. Madan Lal Jain will be made as party defendants in the suit and they will be served in the suit. Amended memo of parties be filed within one week.

6. Parties to appear before the District and Sessions Judge, North District, Rohini Courts, Delhi on 29th November, 2018 and the District and Sessions Judge will now mark the suits for disposal to a competent court in accordance with law.

VALMIKI J. MEHTA, J

OCTOBER 23, 2018

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