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

+ RFA 741/2017

JASBIR SINGH

..... Appellant

Through: Mr. Vikram Arora and Mr. Ajay
Shekhar, Advocates.

versus

AVTAR SINGH & ORS

..... Respondents

Through: Mr. Rajiv Nanda, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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28.05.2018

1. After arguments, this appeal is disposed of that the impugned judgment which dismissed the suit as barred by limitation will not be treated as dismissal of the suit but rejection of the plaint inasmuch as, as regards the defendants in the suit there is no cause of action pleaded in the suit and the cause of action pleaded in the suit is qua one Sh. Sudesh Chandela.

2. Accordingly, if the plaintiff has any valid cause of action against the existing defendants in the suit, then in accordance with law and especially in accordance with Order 7 Rule 13 CPC, plaintiff will be at liberty to file a fresh suit in accordance with law.

3. The appeal is accordingly disposed of by sustaining the impugned

judgment and by treating the impugned judgment not as dismissing the suit but rejecting the plaint.

VALMIKI J. MEHTA, J

MAY 28, 2018

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