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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 1198/2018

T RAMAKRISHNA NANDAM

..... Petitioner

Through : Mr.Vaibhav Mehra, Advocate.

versus

INDIRA NANDAM & ORS

..... Respondents

Through : Mr.Joydeep Mazumdar, Ms.Priyata
Chakraborty, Advocates.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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01.05.2019

CM APPL No. 40795/2018

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 1198/2018 & CM APPL No.40794/2018

This petition challenges the impugned order dated 01.02.2017 whereby an application under Order VI Rule 17 CPC filed by the petitioner to incorporate the factum of sale of the subject flat to defendant No.3 by defendant no.2, acting on behalf of the defendant no.1 was dismissed on the ground that on 06.05.2009 an order was passed in this very suit where it was recorded the plaintiff has claimed the defendant no.1 *had sold and transferred the flat to defendants no.1 and 3* and this Court even noted *this being a case of ouster, the plaintiff ought to pay the Court fee on the share of his flat.* The application for proposed amendment was filed in the year 2013 is

i.e. after three years, hence was rightly rejected by the learned Trial Court on the issue of limitation. Similar is the fate of challenge to order dated 05.03.2018.

No cogent ground to interfere in the order dated 01.02.2017. The petition stands dismissed. Pending application, if any, also stands dismissed.

YOGESH KHANNA, J.

MAY 01, 2019

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