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

+ **FAO(OS) 38/2020**

**RAJIVE SAWHNEY (DECEASED THROUGH LRS.)
& ANR.**

..... Appellants

Through: Mr. Sandeep Sethi, Senior Advocate
with Mr. Imran Moulaey, Advocate.

versus

DEVIKA MEHRA

..... Respondent

Through: Mr. Jayant Mehta, Ms. Nupur
Agarwal & Ms. Anu Shrivastava,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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07.08.2020

C.M. No. 15274/2020

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

FAO(OS) 38/2020 & C.M. No. 15275/2020

After some hearing, learned senior counsel for the appellants, on instructions, does not press the appeal. He, however, submits that the learned Single Judge may frame the issue of limitation since the issue of limitation is set up by the defendant. He also states that the learned Single Judge may be requested to hear the issue of limitation as a preliminary issue.

We leave it open to the learned Single Judge to consider whether the issue of limitation may be decided as a preliminary issue as and when such a request is made by the plaintiff.

The appeal stands disposed of in the aforesaid terms.

We make it clear that we have not made any observations on the merits of the case of either party.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

AUGUST 07, 2020

B.S. Rohella