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

+ **C.R.P. 62/2025**

VINOD SHARMAPetitioner

Through: Mr. Hriday Viridi, Adv.

versus

CHANDRA PRABHA SHARMARespondent

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **25.02.2025**

CM APPL. 11592/2025 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

C.R.P. 62/2025 & CM APPL. 11591/2025

3. The present petition is filed challenging the order dated 01.02.2025 (hereafter '**the impugned order**') passed by the learned District Judge, South West, Dwarka Courts in Case No. 32 CS DJ ADJ 1102/22.
4. The application filed by the petitioner under Order VII Rule 11 of the Code of Civil Procedure, 1908 ('**CPC**') was dismissed by the impugned order noting that the matter is at the stage of *ex parte* final arguments.
5. The petitioner had filed an application under Order VII Rule 11 of the CPC on the ground that the claims raised by the respondent/ plaintiff are barred by limitation.
6. Concededly, the learned Trial Court is not precluded to consider that aspect at the time of final arguments.
7. The application under Order VII Rule 11 of the CPC is



entertained so that the parties are not subjected to prolonged trials in suits which are without cause of action or ought to be rejected on the ground specified in Order VII Rule 11 of the CPC. As the matter is concededly listed for final arguments and, undisputedly, all the arguments can be considered by the learned Trial Court, it is not apposite for this Court to dwell into that aspect. The petitioner is also participating in the arguments before the learned Trial Court.

8. Considering the stage of the trial, I find no infirmity in the impugned order passed by the learned Trial Court.

9. Petitioner is at liberty to take all arguments at the time of final hearing before the Trial Court. Trial Court is directed to pass final judgment without being influenced by the present order and is requested to decide the suit expeditiously.

10. The petition is, therefore, dismissed.

AMIT MAHAJAN, J

FEBRUARY 25, 2025

“SS”