



2025:DHC:4492



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 22.05.2025***+ **C.R.P. 154/2025, CM APPLs. 31774-75/2025****SAMEER KHAN**

.....Petitioner

Through: Mr. M.S Rohilla and Mr. Deepak
Rohilla, Advocates

versus

DEEPAK KUMAR SHARMA

.....Respondent

Through: None.

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)****CM APPL. 31775/2025***[Exemption from filing certified copies]*

1. Allowed, subject to just exceptions. The Application is disposed of accordingly.

C.R.P. 154/2025, CM APPL. 31774/2025*[Stay]*

2. The present Petition seeks to challenge the Order dated 27.02.2025 passed by the learned Additional District Judge-01, North District, Rohini Courts, Delhi in suit No. CS DJ 400/2022 [hereinafter referred to as "Impugned Order"]. By the Impugned Order, the Application filed by the Petitioner/defendant under Order VII Rule 11 of the Code of Civil Procedure, 1908 has been dismissed by the learned Trial Court by giving a finding that the suit was filed within limitation.

3. Learned Counsel appearing on behalf of the Petitioner submits that the payment was made on various dates and the dates for limitation expiring in respect of each amount would have been different. He seeks to rely upon a table which is annexed along with his Petition in this regard. Learned Counsel, however, fairly submits that the table does not form part of the



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plaint or the documents annexed with the plaint.

4. The Impugned Order reflects that the learned Trial Court examined the matter including the fact that the payment of Rs. 2 lakhs was returned as part payment on 09.05.2019. The learned Trial Court, relying on the judgment of the Supreme Court in *suo moto* W.P.(C) 3/2020, ***In Re: Cognizance for Extension of Limitation***¹ found that the suit that was filed was within limitation.

5. The attention of the learned Counsel for the Petitioner is drawn to the provisions of Section 19 of the Limitation Act, 1963 in this regard.

6. After some arguments, learned Counsel appearing on behalf of the Petitioner submits that he limits his contention in the present Petition to the waiver of the costs that were imposed on the Petitioner by the Impugned Order.

7. Given the fact that the Application filed under Order VII Rule 11 of the CPC required extensive discussion, it cannot be said to be without merit. This Court thus deem it apposite to waive the costs that have been imposed on the Petitioner.

8. The Petition is disposed of in the foregoing terms. All pending Applications stand closed.

9. The parties shall act based on the digitally signed copy of the Order.

TARA VITASTA GANJU, J

MAY 22, 2025

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Click here to check corrigendum, if any

¹ (2022) 3 SCC 117