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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA 277/2019

PREM MEHANI & ANR

..... Appellants

Through : Mr.Arvind Nayar, Senior Advocate
with Mr.Tishampati Sen, Ms.Riddhi
Sancheti, Mr.Aman Gandhi,
Mr.Abhirath Thakur, Ms.Vpasana
Chandrashekar, Ms.Pragati Banka,
Ms.Abhisree, Advocates.

versus

HARISH BATRA & ORS

..... Respondents

Through : Mr.Shekhar Gupta, Mr.Mohd.
Shahbaz, Advocates for R1 and 2.
Mr.Kshitij Mehani, for R-6.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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19.11.2019

This appeal challenges the judgment dated 14.03.2019 whereby the plaint was rejected under Order VII Rule 11 CPC on the following grounds **a)** the suit being barred by limitation and **b)** there being no cause of action to file the suit.

The learned counsel for respondents no.1 and 2 submit an execution petition No.399/2017 is pending which animates from the judgment dated 07.12.2012 to execute a consent decree. The appellant admittedly filed an application for impleading himself in the said execution petition which was also dismissed vide an order dated 15.03.2019 relying upon the impugned judgment dated 14.03.2019.

Against the said order the appellant, admittedly, has filed Ex.F.A. 12/2019, listed today before some another Bench. Both the counsels seeks time so that both the appeals be heard by the same Bench.

List on 10.02.2020 and in the meanwhile TCR be also summoned.

At this stage, the son of respondent no.6 appears and submit respondent no.6 intends to file a reply to this appeal. Be filed within two weeks with an advance copy to the learned counsel for the appellant. Rejoinder, if any, may be filed within two weeks thereafter.

YOGESH KHANNA, J.

NOVEMBER 19, 2019

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