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

+ **CS(OS) 295/2025 & I.A. 32182/2025**

NEETU MEHRA

.....Plaintiff

Through: None.

versus

KRISHAN PARSHAD BROTHERS PVT LTD & ORS.

.....Defendants

Through: Mr. Shahzeb Ahmed, Mr. Shikhar Khare, Mr. Adeel Ahmad and Ms. Bhanupriya Singh, Advs. for D-1

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

08.01.2026

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I.A. 32182/2025

1. The present application has been filed under Order VII Rule 11 of the Code of Civil Procedure, 1908 ("CPC") on behalf of defendant no. 1 for rejection of the plaint of the plaintiff.
2. It is submitted that the captioned suit filed by the plaintiff before this Court is not maintainable and is liable to be dismissed under the provisions of Order VII Rule 11 of the CPC, as the captioned suit is hopelessly barred by law of limitation.
3. Learned counsel appearing for defendant no. 1 submits that as per Article 58 of the Limitation Act, 1963 ("Limitation Act"), the limitation period to file a suit for declaration is 03 years from the day, when the right to sue first accrues. The defendant no. 1-Company issued a Legal Notice dated 05th June, 2015 against the husband of the plaintiff, i.e., Late Gautam



Budh Mehra, to vacate and handover the peaceful, vacant and physical possession of the property, i.e., *D-372, Defence Colony, New Delhi-110024*.

4. Therefore, the limitation period to file the captioned suit started from the receipt of the said Legal Notice by the husband of the plaintiff, i.e., in the year 2015.

5. Thus, it is submitted that the present suit has been filed beyond the period of three years from the day, when the right to sue first accrued.

6. In addition to the aforesaid, there are certain other grounds also taken in the application by stating that the suit is neither properly valued nor has the plaintiff paid proper Court Fee. There is further contention that there is no cause of action in favour of the plaintiff.

7. Accordingly, issue notice to the plaintiff, by all modes.

8. Let reply be filed, within a period of four weeks from today.

9. Response thereto, if any, be filed within a period of two weeks, thereafter.

10. List before the Joint Registrar on the date already fixed, i.e., 19th March, 2026.

MINI PUSHKARNA, J

JANUARY 8, 2026
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