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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 2122/2015 & CC 79/2016, I.A. 7603/2017

HARJIT KAUR

Through

..... Plaintiff

Mr. Devesh Pratap Singh and
Ms. T. Banerjee, Advocates

versus

SHANKAR MUKHERJEE

Through

..... Defendant

Mr. Kapil Gupta with Ms. Muska
Gupta, Mr. Akur Saboo and Ms. Neha
Anand, Advocates

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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30.07.2018

After hearing learned counsel for parties at some length, this Court is prima facie of the view that the defendant could not have filed the present counter-claim as the earlier suit filed by the defendant being CS(OS) 2764/2012 had been rejected by this Court under Order 7 Rule 11 CPC. The counter-claim also prima facie seems to be barred by limitation.

It is pertinent to mention that though in the earlier suit, the learned predecessor of this Court had asked the defendant to be personally present in Court on various occasions to record his statement under Order 10 CPC, yet he had never appeared.



Consequently, this Court directs the defendant to be personally present in Court on the next date of hearing as this Court intends to record his statement under Order 10 CPC. The plaintiff is directed to file suggested questions in a sealed cover within two weeks.

List on 5th September, 2018.

MANMOHAN, J

JULY 30, 2018

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