

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 2731 of 2010 (O/M)
Date of decision : 25.8.2015

Ramesh Kumar

..... Revisionist

Versus

Bharat Sanchar Nigam Limited and another Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Namit Gautam, Advocate, for the revisionist.

Mr. Anil Rathee, Advocate, for respondent No. 1.

None for respondent No. 2.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 19.12.2009 (Annexure-P-1), passed by the learned Civil Judge (Junior Division), Ludhiana, vide which the application of the defendant (revisionist herein) under Order 7 Rule 11 read with Section 151 of Code of Civil Procedure, 1908 ('CPC') for rejection of the plaint, was dismissed.

The present revisionist has sought the rejection of the plaint under Order 7 Rule 11 read with Section 151 CPC on the

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ground that the suit is time barred and is not filed before the limitation of three years for recovery of the due amount. The lower Court, vide order dated 19.12.2009, has taken the view that under Section 112 of the Limitation Act, the period of limitation for recovery by the Central Government is 30 years.

Learned counsel for the revisionist relied upon the authority of this Court in Bharat Sanchar Nigam Ltd. Versus Pawan Kumar Gupta, 2007 (4) RCR (Civil) 10, in which it was held that for the purpose of recovery by the BSNL, the period of limitation is three years. However, it is not disputed that the matter has been taken to the Apex Court, where the matter is pending adjudicated. Therefore, the said judgment is still sub-judice. However, it also comes out that issues have been framed and the case is fixed for evidence of the plaintiff.

In view of the matter, let the question of limitation be decided at the time of disposal of the suit and not at the preliminary stage.

With these observations, the present revision is disposed of.

(KULDIP SINGH)
JUDGE

25.8.2015
sjks