

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 2396 of 2015

Date of Decision: 07.04.2015

Kewal Singh

.....Petitioner

Vs.

Ranjit Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Premjit Kalia, Advocate,
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the order dated 09.01.2015, whereby application moved by the petitioner under Order 7 Rule 11 of the Civil Procedure Code, 1908 (for short 'CPC'), was dismissed.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

The impugned order reads as under:-

“Heard on the application under Order 7 Rule 11 CPC, filed by defendants No. 2 and 3 on the ground that the suit is barred by law of limitation, as such, the plaint is liable to be rejected.

In reply to the instant application, the plaintiff has put forth a stand that the suit is very much within time and the application is wrong and denied.

By way of instant suit, the plaintiff has sought a relief of possession by way of specific performance of agreement to sell dated 19.05.2006, the

execution of which was to be made on 19.05.2007. The present suit has been filed on 19.05.2010 i.e. on the last date of limitation. Moreover, it is well settled principle of law that a date fixed for execution of the sale deed is to be excluded while calculating the period of limitation. Accordingly, the instant application is not maintainable and the same is dismissed being devoid merits. Now to come up on 16.01.2015 for filing the written statement.”

The reasons given by the trial Court while dismissing the application under Order 7 Rule 11, CPC are sound reasons.

No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

April 07, 2015
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