

**110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Revision No.5158 of 2015 (O&M)
Date of Decision: August 14, 2015**

Sukhwant Singh and another Petitioners

vs.

M/s Glass Sales Private Limited Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Sarbjit Singh, Advocate for the petitioner.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision is the order dated 03.07.2015 (Annexure P-4) passed by learned Addl. Civil Judge (Sr. Divn.), Amritsar, vide which the application of the present petitioner under Order VII, Rule 11 CPC for rejection of the plaint was dismissed.

Briefly stated that the present petitioner, who is defendant in the said suit had pleaded that no date of agreement is mentioned in the plaint. It was pleaded in the plaint that cause of action arose in favour of the plaintiff when agreement to sell was executed between the parties. Therefore, the prayer was made for rejecting the plaint.

The lower court noticed that in the prayer clause the date of agreement i.e. 12.06.2006 (sic) (date mentioned in the plaint is 12.04.2006) is mentioned. It was also noticed that the plaintiff has

also produced the copy of the agreement. Therefore, the court cannot say that the suit is time barred.

Now, it is a question of evidence whether the suit is within limitation or not?

Therefore, there is no illegality or infirmity in the impugned order.

Accordingly, the revision petition stands dismissed.

However, the defendant can take all these pleas in the written statement during trial.

August 14, 2015
sarita

(KULDIP SINGH)
JUDGE