

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 5366 of 2015(O&M)
Date of decision : September 7, 2015

Arjan Dass

..... Petitioner

Versus

Anita Goel

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Krishan Singh, Advocate
for the petitioner.

1. Whether reporters of local papers 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?

Amit Rawal, J (oral).

The challenge in the revision petition is to the impugned order dated 3.7.2015 (Annexure P-4) whereby an application filed under Order 7 Rule 11 CPC at the instance of the respondent-defendant, in a suit, filed for possession by way of pre-emption in respect of sale deed executed on 23.11.2006 has been allowed.

Learned counsel appearing on behalf of the petitioner-plaintiff submits that the aforementioned suit though, had been filed in the year 2014, for the reason that the petitioner-plaintiff acquired knowledge of the sale deed dated 23.11.2006 when mutation of the same was entered in the revenue record, therefore, the suit cannot be thrown out by entertaining application filed under Order 7 Rule 11 CPC on the ground that the suit is barred by law of limitation.

Article 97 of the Limitation Act, 1963 prescribes limitation of one year from the date of registration of the sale deed in respect of the property sought to be pre-empted.

The sale deed was executed on 23.11.2006. The registration of the document is known to the whole worlds and the petitioner-plaintiff cannot take the plea that he was not having knowledge of the aforementioned registered sale deed. Be that as it may be, ignorance of law is not a bliss. Title is confirmed by way of registration of the document. Admittedly, the suit has been filed in the year 2014 claiming possession by way of pre-emption. One of the provisions of Order 7 Rule 11 CPC also provides that the suit can be dismissed in case it is barred by limitation. Since the suit admittedly was barred by limitation, having not been filed within one year from the date of registration of the sale deed.

In view of what has been observed, the view expressed by the trial court in allowing the application is not vitiated, much less, the order cannot be said to have been passed without jurisdiction.

The trial court has rightly allowed the application under Order 7 Rule 11 CPC by observing that the suit was barred by limitation.

There is no merit in the revision petition. The revision petition is accordingly dismissed.

(AMIT RAWAL)
JUDGE

September 7, 2015
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