

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5710 of 2015 (O/M)
Date of decision : 7.9.2015

Gurdip Singh and another

..... Revisionists

Versus

Raj Kumar and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Kuldip Sanwal, Advocate, for the revisionists.

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 19.9.2014 (Annexure-P-5), passed by the learned Civil Judge (Senior Division), Patiala, vide which the application of the present revisionist under Order 7 Rule 11 of Code of Civil Procedure, 1908 ('CPC'), was dismissed by the lower Court.

Learned counsel for the revisionists has stated that the suit filed by the plaintiffs is time barred. The lower Court has observed that there was an injunction order, due to which sale deed could not be registered earlier. It was further held that the question

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of limitation is a mixed question of law and facts and cannot be considered by filing application under Order 7 Rule 11 CPC. Therefore, the lower had decided that the matter will be disposed of after the trial on the basis of evidence led by the parties. There is no illegality or infirmity in the said order of the lower Court in deciding to dispose of the question of limitation only after recording the evidence.

The present revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

7.9.2015
sjks