

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

**Civil Revision No.6461 of 2015 (O&M)
Date of decision: 30.09.2015**

Indira Soni

.....Petitioner

Versus

Aruna Jain and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Dr. Praveen Hans, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 13.08.2015 (Annexure P-1) passed by the Additional Civil Judge (Senior Division), Hansi, whereby application filed by defendant No.18-petitioner under Order 7 Rule 11 CPC for rejection of the plaint, has been dismissed.

Plaintiffs-respondent Nos. 1 and 2 have filed a suit challenging sale deeds dated 20.03.2006, 07.12.2005 and 11.07.2003 on the ground that they were not party to the same. On the other hand, dismissal of the suit was being sought on the ground that it had been filed beyond the period of limitation.

The trial Court has dismissed the present application on the ground that the question of limitation is a mixed question of law and facts, which can only be adjudicated after appreciation of evidence led by both the parties.

The plaintiffs-respondent Nos. 1 and 2 have challenged the sale deeds by claiming that the same have come to their knowledge recently before filing of the suit. Therefore, at this stage, the suit cannot be

dismissed on the ground of limitation. Since, none of the plaintiffs was

signatory of the sale deeds in question, therefore, they were not required to affix *ad valorem* Court fee on sale consideration thereof.

In view of the above, the trial Court has rightly dismissed the instant application for rejection of plaint. No ground is made out to interfere in the impugned order.

Dismissed.

30.09.2015
ajp

(RITU BAHRI)
JUDGE