

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

Civil Revision No.7269 of 2015

Date of Decision: November 02, 2015

Sukhwant Singh

...Petitioner

Versus

M/s Dev Builders & Colonizers Pvt.Ltd., Basant Avenue Ludhiana

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Mr.Vaibhav Sehgal, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

The challenge in the present revision petition is to the impugned order dated 18.9.2015 (Annexure P-1), whereby the application filed under Order 7 Rule 11 CPC seeking rejection of the plaint being hopelessly barred by limitation, has been rejected.

Mr.Vaibhav Sehgal, learned counsel for the petitioner submits that the sole ground for dismissal of the application is that agreement to sell dated 11.1.2005 (Annexure P-5) did not envisage the stipulated date for execution and registration of the sale deed, whereas it was 30.8.2005, thus, there is illegality and perversity in the impugned order.

I have heard the learned counsel for petitioner-defendant No.2 and appraised the paper book.

Admittedly, the suit seeking specific performance of the agreement to sell dated 11.1.2005 was filed in the year 2013. On perusal of the agreement to sell (Annexure P-5), it is evident that the target/stipulated date for execution and registration of the sale deed was 30.8.2005, whereas in the impugned order, it is mentioned that there was no stipulated date.

I am of the view that the said order is not only erroneous but fallacious and is liable to be set-aside as there is clear cut reference of stipulated date of execution and registration of sale deed. Accordingly, the same is set-aside. The revision petition is allowed. The trial Court is directed to decide the application filed under Order 7 Rule 11 CPC afresh by taking into consideration the terms and conditions of the agreement to sell dated 11.1.2005.

November 02, 2015
ramesh

(AMIT RAWAL)
JUDGE