

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No. 7572 of 2015 (O&M)

Date of decision:- 26.11.2015

Smt. Shila Devi and another

...Petitioners

Versus

Rehman

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Abhimanyu Singh, Advocate
for the petitioners

RITU BAHRI J.(Oral)

Petitioner has filed the instant revision petition under Article 227 of the Constitution of India assailing order dated 10.09.2015 passed by the learned Civil Judge (Jr. Divn.), Mewat whereby the application under Order 7 Rule 11 CPC, was allowed and the suit of the plaintiffs have been dismissed.

The petitioner filed a suit on 20.01.2014 on the basis of agreement to sell dated 06.11.2004 in lieu of Rs.3,00,000/-. Out of Rs.3,00,000/-, petitioners have paid Rs.1,50,000/- to the respondent and the rest of the amount was to be paid at the time of execution of the sale deed. During the pendency of the civil suit, the respondent filed an application under Order 7 Rule 11 CPC (P-2) and the petitioners gave their reply to the application (P-3). Thereafter, the impugned order was passed and the suit of the petitioners was dismissed (P-4).

The learned Court below after going through the affidavit dated 06.01.2005 held that the purchaser was present before the Registrar for execution of the registered sale deed but seller failed to appear and on 06.01.2005, cause of action arises and thus, the petitioners have to file this suit within 03 years.

The learned Court below has rightly given its finding with regard to the fact that the suit was barred by limitation, relying upon the judgment of Hon'ble the Supreme Court of India in a case of ***Fatehji Co. and other vs. L.M. Nagpal and others, 2015 (2) RCR (Civil) 999***

No ground is made out to interfere in order dated 10.09.2015 passed by the learned Civil Judge (Jr. Divn.), Mewat.

The petition is dismissed accordingly.

November 26, 2015
G Arora

(**RITU BAHRI**)
JUDGE