

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 7781 of 2015 (O/M)
Date of decision : 20.11.2015

Surjit Lal and another

..... Revisionists

Versus

Sukhdev Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Deepak Gupta, 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 4.8.2015, passed by the learned Civil Judge (Junior Division), Dera Bassi, vide which the application of the present revisionist under Order 7 Rule 11 of Code of Civil Procedure, 1908, for rejection of the plaint being time barred, has been dismissed by the lower Court, holding that the issues will be framed and thereafter, the question of limitation will be ascertained.

The plaintiff has challenged the sale deed, executed in the year 1982, on the ground that he was minor at that time and that

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the sale deed is the result of impersonation. He also claims that when he came to know about the said sale deed, he filed the suit. The lower Court has taken the view that it is a question of fact as to on which date the plaintiff acquired the knowledge of alleged sale deed. Therefore, the plaint cannot be straightway rejected under Order 7 Rule 11 CPC.

I am of the view that the date of acquisition of knowledge of alleged sale deed by plaintiff is a question of fact. The lower Court has rightly come to the conclusion that the matter will be decided after framing of the issues and thereafter, the parties will be allowed to lead the evidence. There is no illegality or infirmity in the impugned order. The present civil revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

20.11.2015
sjks