

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

Civil Revision No.8468 of 2014

Date of decision: 16.03.2015

Mewa Singh

... Petitioner

versus

Bhupinder Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: None.

K.Kannan, J. (Oral)

1. Respondent served. None appears.
2. The revision is against the order dismissing an application for rejection of a plaint. The suit had been filed for return of the earnest money on 02.08.2010. The contention was that the agreement was entered into between parties on 02.02.2006 and the last date for the enforcement was 13.11.2006. The suit was clearly barred by time. The trial Court dismissed the petition for rejection of a plaint as barred by law.
3. I find no reason for interference, for, the return of money which the plaintiff seeks for ought not to be taken as a mere relief for money but as a party entitled to a charge on the property which was agreed to be sold. The suit could be construed as creation of charge over the property for the refund of the money which the

plaintiff is seeking for. It is at least debatable whether the plaintiff could claim the benefit of extended period of limitation when the recovery of the earnest money is sought without pressing for the relief for specific performance. The order passed by the court below is justified and I find no reason for interference. The civil revision is dismissed.

(K.KANNAN)
JUDGE

16.03.2015
sanjeev