

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

-.-

CR 1078 of 2016 (O&M)

Date of decision: 22.08.2016

*Ram Agya and another*

*..... Petitioners*

*Versus*

*Moj Nath and others*

*.....Respondents*

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

-.-

Present: Mr. Rajeev Gupta, Advocate  
for the applicant/petitioners

-.-

**Rekha Mittal, J.(Oral)**

CM 16170 CII of 2016

Allowed as prayed for and Annexure P7 is taken on record,  
subject to just exceptions.

Main case

The present petition has been directed against order dated 23.03.2015 passed by the Additional Civil Judge (SD) Chandigarh whereby an application under Order 7 Rule 11 of the Code of Civil Procedure (in short, CPC) for rejection of plaint on the premise that the suit is barred by limitation, has been dismissed with the findings that the ground for rejection of plaint must be made out from averments of plaint itself but in the light of rival assertions, mixed questions of law and fact are involved, to be decided on the basis of evidence and construction of documents.

After arguing for some time, counsel for the petitioners has submitted that the petition may be disposed of with liberty to the petitioners to raise all available pleas at the time of final disposal of the suit qua question of limitation in regard whereof the Court has already framed an issue.

Disposed of accordingly.

(Rekha Mittal)  
Judge

22.08.2016

mohan bimbura

Whether speaking/reasoned: Yes/No  
Whether reportable : Yes/No