

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.4974 of 2016

Date of decision:05.08.2016

Jagan @ Jag Ram (since deceased) through LRs ... Petitioners

Vs.

M/s Shalimar Town Planner Pvt. Ltd. ... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Kul Bhushan Sharma, Advocate,
for the petitioners.

AMIT RAWAL J. (Oral)

The petitioner-defendants are aggrieved of the dismissal of the application under Order 7 Rule 11 CPC seeking rejection of the suit on the premise that target date was 11.01.2008, whereas, suit had been filed on 13.12.2011, therefore, the suit ex facie was barred by law of limitation and was not maintainable.

For the adjudication of the application under Order 7 Rule 11 CPC, only the averments made in the plaint have to be seen. It is also admitted position on record that defendants are yet to file the written statement. They can take the plea of maintainability in written statement but not in the manner and mode by seeking rejection of the suit at the threshold.

No ground is made out for interference in the impugned order, much less, the same cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition stands dismissed.

August 05, 2016

savita

(AMIT RAWAL)
JUDGE

Wheather speaking/reasoned

Whether Reportable

Yes/No
Yes/No