

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

C.R. No.7502 of 2016

Date of Decision.16.11.2016

Kalyan Singh (deceased) through LRs

.....Petitioner

Vs

Taljinder Singh and others

.....Respondents

Present: Mr. A.S. Jawandha, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner-defendant No.8 is aggrieved of the impugned order whereby the application on behalf of the minor, who had attained majority way back in the year 2005, for pursuing the suit by invoking the provisions of Order 32 Rule 12 CPC, has been allowed.

Mr. Jawandha, learned counsel appearing for the petitioner submits that the limitation to institute the suit is three years but the Court below has erroneously allowed the application as the suit has reached the final stage, thus, urges this Court for setting aside the order under challenge.

I have heard learned counsel petitioner, appraised the paper book and of the view that the objection on limitation can always be raised by taking the aid of provisions of Section 3 of the Limitation Act but not in the manner and mode indicated above. The petitioner shall be at liberty to take the aforementioned objection *de hors* the order allowing the application under Order 39 Rule 12 CPC.

The impugned order is upheld and the revision petition is disposed of with the above observations.

(AMIT RAWAL)
JUDGE

November 16, 2016
Pankaj*

Whether reasoned/speaking
Whether reportable

Yes
No