

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CR No.1789 of 2017

Date of decision:14.3.2017

Balbir Singh and another

...Petitioners

Versus

Sai Apartments & Infrastructure

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Parminder Singh, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Instant civil revision petition, at the hands of defendants, is directed against the order dated 10.11.2016 passed by the learned trial Court, whereby their application under Order 7 Rule 11 of the Code of Civil Procedure, seeking rejection of plaint only on the ground of delay, was declined.

Heard learned counsel for the petitioners.

A bare perusal of the impugned order would show that the learned trial Court was well within its jurisdiction to pass the impugned order, because the question of limitation would be a mixed question of law and facts. Plaint of the plaintiff could not have been rejected only on account of the fact that suit was allegedly barred by limitation. This fact would be dependent on a number of factors and the plaintiff was entitled to prove his pleaded case, by leading cogent and convincing evidence. Said valuable right of the plaintiff could not have been taken away by the learned trial Court at the initial stage of the suit. That is what has been done by the learned trial Court, while passing the impugned order and the same deserves to be upheld.

During the course of hearing, learned counsel for the petitioners could not point out patent illegality or perversity in the impugned order, which may warrant interference, at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of Constitution of India. The learned trial Court has not committed any error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present revision civil petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out

Resultantly, with the above-said observations made, the instant revision petition stands dismissed, however, with no order as to costs.

14.3.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No