

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

CR No.2158 of 2017

Date of decision : 21.11.2017

M/s Greater Ashoka Land and Development Company Pvt. Ltd. through its
Director

...Petitioner

Versus

Daya Nand and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kul Bhushan Sharma, Advocate for the petitioner.

Mr. Rajiv Sharma, Advocate for respondent Nos.1 to 4.

ANIL KSHETARPAL, J. (ORAL)

The defendant-petitioner is in revision petition against the order dismissing the application under Order 7 Rule 11 CPC.

Learned trial Court has held that at the time of decision on the application under Order 7 Rule 11 CPC, only the pleadings as pleaded in the plaint are to be read.

Taking into consideration that the plaintiffs had filed a suit for declaration challenging the sale deed dated 10.09.1969, lease deed dated 10.09.1969 and Will dated 07.10.1966, this Court is of the considered opinion that the issue of limitation should be treated as preliminary issue and the same should be decided within a period of six months from the date of receipt of certified copy of the order.

Since at the stage of consideration on the application under Order 7 Rule 11 CPC, only assertions made in the plaint are to be seen, therefore, this Court is of the considered opinion that the course adopted by this Court while directing the trial Court to frame the preliminary issue appears to be most appropriate.

In these circumstances, the present revision petition is disposed of with the aforesaid direction.

21.11.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No