

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.6813 of 2016 (O&M)
Date of Order: 16.12.2017

Shiv Narain and others

..Petitioners

Versus

Balley and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

Mr. Sushil Jain, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

Challenge is to the order passed by learned trial Court dismissing application under Order 7 Rule 11 of the Code of Civil Procedure, vide order dated 20.09.2016.

Learned counsel for the petitioners has vehemently argued that the sale of 1935 has been challenged in a suit filed in 2012. He submits that the suit is barred by time.

A reading of the order would show that the Court has taken notice of the pleadings in the plaint and after discussing the same, dismissed the application.

Taking into consideration that the suit has been filed after 77 years approximately, this Court is of the opinion that in this case the Court should frame a preliminary issue on the question of limitation and shall decide the same within a period of three months from the date of receipt of a certified copy of this order.

With these observations, the revision petition is disposed of accordingly.

December 16, 2017
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(ANIL KSHETARPAL)
JUDGE

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