

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

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**CR No.8892 of 2017 (O&M)
Date of decision: 18.12.2017**

Vinit Kashyap and others

..... Petitioners

Versus

Narain and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. H.S. Kohli, Advocate
for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

Defendants-petitioners are in the revision petition against the order dismissing the application under Order 7 Rule 11, CPC.

It is the case of the defendants that the suit filed by the plaintiffs was barred under the provisions of Haryana Ceiling on Land Holding Act, 1972. It is further the case of the defendants-petitioners that the suit is barred by limitation.

Learned trial Court has refused to reject the plaint under Order 7 Rule 11 on the ground that at the time of decision on application under Order 7 Rule 11, only assertions made in the plaint are to be examined.

Taking into consideration these facts, this Court is of the considered opinion that this revision petition can be disposed of by directing the trial Court to frame a preliminary issue on its jurisdiction and the limitation and decide the same within a period of three months from today.

Revision petition is disposed of with the aforesaid directions.

**(ANIL KSHETARPAL)
JUDGE**

18.12.2017
Dinesh Bansal

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No