

**HIGH COURT OF CHHATTISGARH, BILASPUR****FA No. 99 of 2018**

1. Siddharth Sharma S/o Late Vishnu Prasad Sharma Aged About 28 Years R/o Naila, Tahsil Janjgir, District- Janjgir- Champa, Chhattisgarh. ....  
(Plaintiffs)., District : Janjgir-Champa, Chhattisgarh
2. Avinash Sharma S/o Late Vishnu Prasad Sharma Aged About 32 Years R/o Naila, Tahsil Janjgir, District- Janjgir- Champa, Chhattisgarh., District : Janjgir- Champa, Chhattisgarh
3. Anshuman Sharma S/o Late Vishnu Prasad Sharma Aged About 30 Years R/o Naila, Tahsil Janjgir, District- Janjgir- Champa, Chhattisgarh., District : Janjgir- Champa, Chhattisgarh
4. Savita Sharma Wd/o Late Vishnu Prasad Sharma Aged About 55 Years R/o Naila, Tahsil Janjgir, District- Janjgir- Champa, Chhattisgarh., District : Janjgir- Champa, Chhattisgarh

**---- Appellants****Versus**

1. Bajrang Lal Gupta S/o Late Shankarlal Gupta Aged About 49 Years R/o Vishnu Mandir Road, Near Bhima Talab, Janjgir, P. S. And P. O. Janjgir, District- Janjgir- Champa, Chhattisgarh. ....(Def No. 1). ....(Defendants)., District : Janjgir-Champa, Chhattisgarh
2. State Of Chhattisgarh, Through Collector Janjgir- Champa, District- Janjgir- Champa, Chhattisgarh. ....(Def No. 2)., District : Janjgir-Champa, Chhattisgarh

**-- Respondents**


---

For Petitioner : Shri Manoj Paranjpe with Shri Anurag Singh, Advocates  
For Respondent : Shri S. K. Agrawal, Sr. Adv. With Shri A.K. Gupta, Adv.

---

**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****26/04/2018**

Heard.

2. The appellants have filed this appeal against the impugned judgment and decree dated 22-11-2017, by which, suit filed by the appellant/plaintiff has been dismissed as barred by limitation.

3. This Court finds that the suit has been dismissed as barred by limitation by the learned trial Court by recording a finding that under the agreement to sale executed on 05-10-2012, time required for performance of agreement under the contract was fixed as 05-11-2012, the suit was filed on 15-07-2016.

4. Learned counsel for the appellant would argue that though the time limit was fixed for specific performance of contract on 05-11-2012, the suit was filed, because, later on, performance was refused.

5. Law in this regard is very well settled. Article 54 of the Limitation Act clearly stipulates that the limitation for filing suit for specific performance of contract would be from the date of expiry of the period fixed for performance and in the absence thereof, from the date when the plaintiff has notice that performance is refused.

6. Since, in the instant case, time limit was fixed for filing a suit for specific performance of contract, it ought to be filed within three years from the date fixed for performance of contract.

7. In view of foregoing, the appeal is dismissed.

SD/-  
(**Manindra Mohan Shrivastava**)  
**J U D G E**