

HON'BLE SRI JUSTICE S.V. BHATT

C.R.P.No.3706 OF 2013

ORDER:

Heard Mr.C.Subodh for revision petitioner.

The revision petitioner is defendant in O.S.No.18 of 2010. The revision petitioner filed I.A.No.270 of 2013 under Order VII Rule 11(d) CPC seeking rejection of the plaint.

It is stated in the affidavit filed in support of I.A.No.270 of 2013 that the respondent/plaintiff filed the suit for specific performance of agreement of sale dated 27.03.2006. It is further stated that the plaint is barred by Article 54 of the Limitation Act and that the suit was filed after expiry of three years. The respondent/plaintiff opposed the application.

Through the order under revision, the trial Court rejected the request of revision petitioner holding that the suit was presented within the period of limitation. Hence, the revision.

I have perused the order under revision and also the plaint. This Court is in agreement with the findings recorded by the trial Court. No ground for interference under Article 227 of the Constitution of India is made out.

The revision fails and is, accordingly, dismissed. The trial Court considers and disposes of the suit on merits uninfluenced by the findings recorded in the order under revision. There shall be no order as to costs.

Pending miscellaneous petitions, if any, stand closed.

S.V.BHATT, J

14th September, 2018
Lrk