

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

CR No.1796 of 2018
Date of decision : 23.03.2018

Bhag Singh and others

...Petitioners

Versus

Altus Space Builders Private Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Cuccria, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

The defendants-petitioners are in the revision petition against the order passed by the learned trial Court, dismissing the application filed under Order 7 Rule 11 CPC for rejection of the plaint on the ground that the suit is barred by limitation.

Learned trial Court has observed that the limitation is a mixed question of fact and law and without appreciating the evidence, it is not safe for the Court to arrive at any conclusion.

Although, learned counsel for the petitioners has vehemently argued that prima facie the suit is barred by limitation, however, this Court is of the opinion that at the stage when the application under Order 7 Rule 11 CPC is to be decided, only the pleadings as contained in the plaint are to be seen. From the reading of the plaint, it is not safe to conclude that the suit is barred by time, at this stage.

However, taking into consideration that the suit is pending for almost one year, the learned trial Court is requested to expedite the hearing of the case and make a sincere endeavour to decide the suit within a period of 1 year and 6 months from the date of receipt of certified copy of the order.

In view of the above, the revision petition is disposed of.

23.03.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No