

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 3063 of 2018(O&M)

Date of decision:10.09.2018

Ms. Sunita and ors.

.. Petitioners

vs.

Smt. Murti Devi and ors.

.. Respondents

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Namit Gautam, Advocate
for the petitioners.

Mr. Nitin Gupta, Advocate
for respondents No.1 & 5

Mr. Nilesh Bhardwaj, Advocate
for the respondent(s) -MC Barwala & HSAMB.

Ms. Chhavi Sharma, Advocate for
Mr. P.S. Chauhan, Advocate
for respondent No.4.

Harinder Singh Sidhu, J.

The petitioners, who are the defendants in Civil Suit titled as '*Smt. Murti Devi vs. Ms. Sunita and others*' are aggrieved against the order dated 6.3.2018 whereby their application under Order 7 Rule 11 CPC for rejection of the plaint has been dismissed by holding that the question of limitation is a mixed question of law and fact and can be decided only by leading evidence.

Learned counsel for the parties are agreed that the present revision petition may be disposed of by directing learned trial Court to frame the issue of limitation and treat and decide the same as a preliminary issue. The parties be given opportunity to lead evidence in support of their respective pleadings regarding the issue.

Learned counsel for the petitioners states that he would file written statement within a period of three weeks from today.

The revision petition is disposed of accordingly.

10.09.2018
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No