

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

CR No.3164 of 2018

Date of decision:04.12.2018

Satvinder Singh

... Petitioner

Vs.

Ram Kumar and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Rajesh Bansal, Advocate, for the petitioner.

Mr. Kulwant Singh, Advocate, for respondent no.2.

AMIT RAWAL J. (Oral)

The present revision petition at the instance of the petitioner is directed against the impugned order dated 12.04.2018 (Annexure P-1) vide which application under Order 7 Rule 11 of Code of Civil Procedure filed in a suit for possession by way of specific performance of the agreement to sell dated 25.07.2001 on the ground being barred by law of limitation, has been dismissed.

I am afraid the aforementioned argument is not sustainable as the issue of limitation is mixed question of facts and law which required to be determined on the premise whether the time was essence of the agreement to sell or not. Such matter cannot be decided summarily, therefore, the order under challenge cannot be found faulted with or infirm.

Revision petition is dismissed.

December 04, 2018

savita

Whether Speaking/Reasoned

Whether Reportable

(AMIT RAWAL)

JUDGE

Yes/No

Yes/No