

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

**CR No.4255 of 2017 (O&M)
Date of decision : February 21, 2018**

Smt. Bimla Devi

..... Petitioner

Versus

Smt. Sreshta Chaudhary and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vineet Chaudhary, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 07.02.2017 (Annexure P-5) passed by learned Civil Judge (Jr. Divn.), Gurgugram, vide which an application under Order VII, Rule 11 CPC filed by the petitioner-defendant No.1 was dismissed.

Heard.

It comes out that the plaintiff-respondent No.1 has filed as suit for specific performance of the agreement of sale dated 04.03.2005. The copy of the agreement of sale placed on file shows that the entire sale consideration was paid and only the sale deed was to be executed as and when required.

In this case, no date of sale deed was fixed. The cause of action arose when the seller refused to execute the sale deed.

Therefore, it cannot be said from the pleadings of the plaint that the suit is barred by limitation. In an application, under Order VII, Rule 11 CPC, only the averments made in the plaint are to be seen. Regarding the averments on merits, the trial Court is to frame the issue and record the findings thereon.

In view of the matter, there is no illegality or infirmity in the impugned order.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

February 21, 2018

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Whether speaking / reasoned Yes

Whether Reportable: No