

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

C.R. No. 8463 of 2015

DATE OF DECISION :- December 05, 2019

Smt. Snehlata

...Petitioner

Versus

Anil Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. V.K. Jindal, Senior Advocate
with Ms. Stuti Goel, Advocate for the petitioner.

Mr. Anil Kumar-respondent in person
with Mr. J.P. Sharma, Advocate for respondent No. 1.

As per report received from the Mediation Centre, mediation has not proved to be successful. Let the case further proceed on merits.

This revision petition is directed against order dated 21.9.2015 passed by Additional Civil Judge (Sr.Divn.), Rewari vide which in a suit for specific performance of agreement to sell dated 12.5.1997 filed by plaintiff Anil Kumar against defendants Ram Kishan and others, an application under Order 7 Rule 11 filed by applicants-defendants for rejection of the plaint had been dismissed.

A perusal of the impugned order goes to show that the defendants applicants sought rejection of the plaint mainly for the reason that suit was time barred and secondly ad-valorem Court fee had not been affixed on the plaint. The trial Court has properly dealt with both the

contentions. Keeping in view the facts and circumstances of the case point of limitation comes out to be a mix question of law and facts and only during the trial it can be determined by affording opportunities to lead evidence to the parties whether the suit has been filed within limitation or beyond limitation. As far as the second contention is concerned as it appears since plaintiff was not a party to the sale deed affixation of ad-valorem Court fee on the plaint was not required.

I find that the impugned order is quite detailed and does not suffer from any illegality or infirmity much less apparent on the face of it which might have called for interference by this Court while exercising revisional jurisdiction. Therefore, the revision petition stands dismissed. However, it is observed that nothing discussed above shall influence the trial Court in arriving at its own conclusion and the revisionist may raise all these pleas before the trial Court in accordance with law.

(H.S. MADAAN)
JUDGE

December 05, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No