

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

CR No.1270 of 2019 (O&M)
Date of decision : 26.02.2019

Sukhraj Singh and another

...Petitioners

Versus

Jaideep Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajiv Kataria, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

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 and framing a preliminary issue regarding question of limitation.

Learned counsel for the petitioners has submitted that in the present case, there was a specific date fixed for execution and registration of the sale deed and, therefore, the suit was barred by time.

This Court has considered the submission.

At the stage of application under Order 7 Rule 11 CPC, only assertions made in the plaint are to be seen. In para 11, plaintiff has asserted as under:-

“11. That the cause of action arose to the plaintiff against the defendants firstly on 30.4.2015, the last date fixed for the

execution of the sale deed and subsequently on all the occasions when the plaintiff requested the defendants to execute the sale deeds but they failed to do so and the cause of action finally arose a week back when the defendants once for all refused to execute the sale deed in favour of the plaintiff and rather threatened to alienate the suit property to some other person of which they have no right to do so during the subsistence of agreement to sell in favour of the plaintiff.”

Keeping in view the aforesaid assertions, the Court has already framed a preliminary issue which this Court has no doubt would be decided as expeditiously as possible.

Keeping in view the aforesaid facts, there is no ground to interfere.

Revision petition is dismissed.

26.02.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No