

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 5318 of 2019

Date of decision:-19.12.2019

M/s. M.R.Trading Company

.....Petitioner

vs.

Raj Singh

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRIPresent:- Mr. Jagdish Manchanda, Advocate
for the petitioner.Mr. J.P.Sharma, Advocate
for the respondent.***RITU BAHRI, J.(Oral)***

The petitioner has come up in revision against the order dated 20.08.2019 (Annexure P-5) whereby application under Order 7 Rule 11 CPC filed by the petitioner has been dismissed.

A perusal of the order shows that the plaintiff had filed advalorem court fee on 11.01.2019 and hence the only ground for dismissing the suit was that last transaction had taken place in the year 2011 and suit had not been filed for recovery till 28.10.2014.

On 12.09.2019 when notice of motion was issued the petitioner was given liberty to file written statement and make an application for framing preliminary issue of limitation keeping in view the judgment passed by this Court in ***Rajinder Singh Rathaur V/s. G.S.Rathaur (Ghanshyam Singh Rathaur) and others*** 2018(2) Law Herald 967.

Learned counsel for the petitioner has informed that he has already made an application before the trial Court for framing preliminary

issue of limitation.

Keeping in view the above fact, this revision is being disposed of at this stage by giving direction to the trial Court to decide application for framing preliminary issue of limitation by going through the above referred judgment in accordance with law.

19.12.2019

Divyanshi

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No