

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

**SAO No. 9 of 2016 (O&M)**

**Date of Decision: February 28, 2019**

M/s Kartar Singh & Company and another .....**APPELLANTS**

**VERSUS**

M/s Nand Lal Ved Parkash and others .....**RESPONDENTS**

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. P.S.Rana, Advocate  
for the appellant.

Mr. Vishal Gupta, Advocate  
for respondent No. 1.

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**SURINDER GUPTA, J.(Oral)**

Heard.

The suit filed by respondent No. 1-plaintiff M/s Nand Lal Ved Parkash was dismissed by Additional Civil Judge (Senior Division), Jagraon with the observations that the same is barred by limitation. Plaintiff-respondent No. 1 filed appeal which was accepted by the Ist Appellate Court with the observations that the suit was within limitation and directions were given to the trial Court to record its findings on merits on all the issues framed in this case in the light of evidence on file.

Learned counsel for the parties submit that the parties were having transactions for the last about 10 years. Payments were being made to the respondents from time to time of material supplied to defendants/appellants . They submit that it is for the trial Court to evaluate on the basis of evidence produced before it as to for which transactions suit

filed by plaintiff is within limitation as per the provisions of Sections 19 and 20 of Limitation Act, 1963. The question of limitation is a mixed question of law and fact but judgment of the Ist Appellate Court gives an impression as if entire claim of the plaintiff in the suit is within limitation.

With the consent of both counsel for the parties, the order passed by the Ist Appellate Court is modified to the extent that learned Additional Civil Judge (Sr. Division), Jagroan, will decide the case afresh by recording findings on all the issues framed in this case. The observations of Ist Appellate Court that the suit is within limitation are modified to the extent that trial Court on the basis of evidence will record fresh findings as to whether the suit of plaintiff for all transactions as pleaded or part of the transaction is within limitation. This appeal is accepted with the above modification of order of Additional District Judge, Ludhiana.

It is, however, made clear that nothing observed by learned Additional District Judge, Ludhiana in its order dated 23.11.2015 will be taken as expression of opinion on merit by the trial Court while deciding the issue on limitation.

Parties are directed to appear before the Additional Civil Judge, (Sr. Division), Jagraon (trial Court) on 19.03.2019.

It has been submitted that evidence has already been concluded and only arguments are to be addressed by the parties. The trial Court will take all the steps to dispose of the case at the earliest preferably within a period of four months on receipt of copy of this order.

**February 28, 2019.**  
*Jyoti-II*

**( SURINDER GUPTA )**  
**JUDGE**