

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-510-2020 (O&M)
Date of decision : 23.01.2020

Ravi Kumar

...Petitioner

Versus

Lata Lohan

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Chirag Wadhwa, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The present revision petition has been filed against the order passed by the learned trial Court, refusing to reject the plaint under Order 7 Rule 11 of the Code of Civil Procedure.

Learned counsel for the petitioner contends that the suit is barred by time.

At the stage of deciding an application filed under Order 7 Rule 11 of the Code of Civil Procedure, the pleadings in the plaint are required to be examined. Para 7 of the plaint, reads as under:-

“7. That the cause of action arose to the plaintiff to file the present suit when the defendant refused to repay the amount noted above on 25.08.2017 in the manner stated above.”

The suit was filed in the year 2017 itself. Hence, learned trial Court has correctly refused to reject the plaint. Needless to observe that the defendant-petitioner shall be entitled to pray for framing of an issue on this aspect and lead evidence.

In view of the above, the present revision petition is dismissed.

23.01.2020
Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No