

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

CR-2180-2021

Date of decision: 01.10.2021

Satpal Kaur

...Petitioner

Vs.

Manjit Kaur and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr.Onkar Rai, Advocate,
for the petitioner.

ARUN MONGA, J. (ORAL)

Grievance of the petitioner herein is against an order dated 06.09.2021 (Annexure P-5) passed by Learned Civil Judge, (Junior Division), Ludhiana whereby an application preferred by her under Order 7 Rule 11 CPC seeking dismissal of the suit, claiming it to be barred by limitation, has been dismissed.

2. Relevant contents of application, basis whereof, order 7 rule 11 is sought to be invoked, are reproduced herein below :

“2. That the suit is not maintainable and the plaint is liable to be rejected on the following grounds.

I. That the suit of plaintiff/respondent is time-barred and not maintainable as the suit has been filed on the basis of agreement to sell dated 29.05.2012 but the petition is filed on 08.03.2018 after a gap of 6 years 2 months 21 days and has been filed after limitation hence the suit is time-barred and the plaint is liable to be rejected.”

3. Heard arguments of learned counsel for the petitioner. What is canvassed before me is that date of execution of agreement was earlier extended up to 16.08.2012. Thereafter there was no further extension and therefore, cause of action, if any, accrued to the plaintiff with effect therefrom, to file suit for specific performance, when despite the

petitioner/defendant having been ready and present for doing the needful, the plaintiff himself defaulted.

4. Be that as it may, from the contents of the application under Order 7 Rule 11 CPC, it is borne out that what has been pleaded is mixed question of facts and law and can only be decided after adducing of evidence by the respective parties.

5. No grounds are made out to interfere. Dismissed.

01.10.2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No