

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

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**CR-4256-2017(O&M)
Date of Order: 01.06.2022**

M/s Jai Laxmi Rice Mills and others

..Petitioners

Versus

Punjab State Civil Supplies Corporation Ltd.

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Navjot Singh, Advocate, for the petitioners.
Mr. Aman Sharma, Advocate, for the respondent.

ANIL KSHETARPAL, J(Oral)

The defendants in a suit for recovery of Rs.1,99,07,230/- are the petitioners herein. Their application under Order 7 Rule 11 CPC to reject the plaint, at the threshold, in exercise of powers under Order 7 Rule 11 CPC has been dismissed. The petitioners claim that the suit is barred by limitation. The trial Court has dismissed the application while observing that such question is required to be decided after leading the evidence.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

A copy of the plaint has been filed. In paragraph 19, the plaintiffs assert as under:-

“That cause of action for filing the present suit arose in favour of plaintiffs and against the defendants on 4.10.1995 when agreement was executed between the parties, on the dates when the Paddy was supplied to the defendant-firm for shelling the same, on the dates when the defendants delivered the Rice to FCI but failed to supply the total quantity of rice, on the date when the claim petition was filed by the plaintiff before Managing Director, on the date when FAO was decided by the Hon'ble High Court, on 16.01.2014 when Managing Director decided the matter and passed order dated 16.1.2014, on the dates when the plaintiffs made requests to defendants to admit the claim of the plaintiff and to pay the suit amount to the plaintiffs and finally a week

ago when the defendants flatly refused to accede the requests of the plaintiffs. Hence, the suit is being filed within limitation.”

Such facts as pleaded are required to be proved. Normally, the question of limitation is a mixed question of law and fact which is required to be decided after granting an opportunity to the parties to lead evidence.

Hence, finding no merit, the revision petition is dismissed. However, the defendants shall be at liberty to pray for framing of a distinct issue on the question of limitation which shall be decided by the court while deciding the suit.

All the pending miscellaneous applications, if any, are also disposed of.

June 01, 2022

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(ANIL KSHETARPAL)
JUDGE

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