

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

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**CR-4674 of 2017(O&M)
Date of Order: 09.05.2022**

Pradeep Kumar Sharma

..Petitioner

Versus

Ramesh Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harkesh Manuja, Advocate
for the petitioner.

Mr. Aman Pal, Advocate
for the respondents.

ANIL KSHETARPAL, J(Oral)

The defendants' application under Order 7 Rule 11 CPC for rejection of the plaint, at the threshold has been dismissed. The petitioner is the defendant in the suit for recovery of Rs.2,16,325/-.

It has been asserted in the plaint that the defendant has been purchasing fossil fuel from the fuel station of the plaintiff and the last transaction took place on 12.03.2012.

The learned counsel submits that as per the case of the plaintiff, the amount was payable within a period of 3 months, therefore, the suit filed by the plaintiff in December, 2015, was barred by time.

It is evident that there are long series of transactions of sale of fuel by the plaintiff to the defendants.

Keeping in view the aforesaid facts, at this stage, it would not be appropriate to reject the plaint. The trial Court has already observed that in the present case, the question of limitation is a mixed question of law and fact which can be decided only after permitting the parties to lead evidence.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Dismissed.

The trial court is requested to expedite the disposal of the suit.

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

May 09, 2022
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(ANIL KSHETARPAL)
JUDGE

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