

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2129 of 2022

Date of Decision: 15.07.2022

Gurmeet Singh and Others

... Petitioner(s)

Versus

Nachhatar Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Akhil Ahuja, Advocate
for the petitioner(s).

Mr. Vijay Lath, Advocate
for the respondents.

Anil Kshetarpal, J.

1. The application filed by the defendants under Order VII Rule 11 of the Code of Civil Procedure, 1908 (hereinafter referred to as “the CPC”) to reject the plaint, at the threshold, has been dismissed. A plaint can be rejected under Order VII Rule 11 CPC only on the limited grounds specified therein. The petitioners claim that the suit filed by the plaintiffs is not only time barred, but it also does not disclose any cause of action.

2. The learned counsel representing the petitioners has drawn the attention of the Court to the copy of the plaint, which is Annexure P1 in the paper-book. It is a suit for grant of decree of injunction to restrain the defendants from interfering in the possession of the plaintiffs. In para 5 of the plaint, the plaintiffs assert that Munshi (Peenja) while selling the property has also included the property of the plaintiffs. In para 6 of the

plaint, the plaintiffs assert that the defendants are now threatening to forcibly

dispossess them. The limitation for filing every suit depends upon the cause of action. Such cause of action is based upon the various facts as alleged in the pleadings and have to be proved by the parties at the stage of trial.

3. Similarly, the limitation for filing a suit begins to run from the date of accrual of cause of action. In the present suit, the plaintiffs have alleged that the defendants are trying to forcibly dispossess them. Thus, mixed questions of law and fact are involved in these questions which can only be decided after permitting the parties to lead evidence.

4. Keeping in view the aforesaid discussion, finding no substantive error, the present revision petition is dismissed and the order passed by the trial Court is affirmed.

(Anil Kshetarpal)
Judge

July 15, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No