

In the High Court of Punjab and Haryana, at Chandigarh**S.A.O. No. 18 of 2022 (O&M)****Date of Decision: 04.08.2023**

Meneta Automotive Components Pvt. Ltd.

... Appellant(s)

Versus

M/s V.K.Enterprises

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Pradyuman Seemar, Advocate
for the appellant(s).

Mr. Raghav Gulati and Ms. Sandhya Gaur, Advocates
for the respondent.

Anil Kshetarpal, J.

1. The petitioner herein, is a defendant in a suit for recovery of ₹10,02,200/-. An application under Order VII Rule 11 of the Code of Civil Procedure, 1908, was allowed by the trial Court. However, the First Appellate Court has reversed the same on the ground that it would not be appropriate for the Court to reject the plaint on the ground of limitation.

2. The learned counsel representing the petitioner contends that the plaintiff filed an application under Section 14 of the Limitation Act, 1963 (hereinafter referred to as “the 1963 Act”) which could be decided without permitting the plaintiff to lead evidence.

3. This Court has considered the submissions. Section 14 of the 1963 Act enables the Court to exclude the period spent by the party in the bonafide proceedings, which remained pending in the Court having no

jurisdiction. Such aspect is required to be examined by the Court after

S.A.O. No. 18 of 2022 (O&M)

permitting the parties to lead evidence. Moreover, the question “whether the suit is barred by limitation”, is a mixed question of fact and law, which can appropriately be decided while deciding the main suit.

4. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present appeal is dismissed.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

August 04, 2023**“DK”**

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No