

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

CR-2346-2021 (O&M)

Date of decision: 25.08.2023

Daljit Singh

..Petitioner

Versus

Sikander Singh and others

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Shivam Grover, Advocate for the petitioner

Mr. Anil Kumar Garg, Advocate for respondent no.1

ANIL KSHETARPAL, J (Oral)

1. The petitioner herein is the defendant in a suit for specific performance of the agreement to sell. His application under Order VII Rule 11 of the Code of Civil Procedure, 1908, to reject the plaint, at the threshold, on the ground that the suit is barred by limitation, has been dismissed.

2. Learned counsel representing the petitioner admits that there was no agreed date for the execution and registration of the sale deed in the agreement to sell. Hence, the suit will be governed by the second part of Article 54 of the Schedule attached to the Limitation Act, 1963, which provides that the time to file a suit will begin to run from the date when the plaintiff has noticed that the performance is refused. Thus, the question of limitation is a mixed question of fact and law, which cannot be decided at the initial stage. Hence, no ground to interfere is made out.

3. Dismissed.

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

25.08.2023
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE