



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.157 of 2025 (O&M)

Date of Order:14.01.2025

Alishka Chauhan

.Petitioner

Versus

Sanjay Kumar Hada

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Yaman, Advocate,
for the petitioner.

ANIL KSHETARPAL, JUDGE (Oral)

1. The defendant assails the correctness of order passed on 11.11.2024 by the Civil Judge (Junior Division), Chandigarh, wherein his application under Order VII Rule 11 CPC, to reject the plaint at the threshold has been dismissed.

2. The petitioner claims that the suit filed by the plaintiff was beyond the prescribed period of limitation. On reading of the plaint, it is evident that the plaintiff has asserted that the last payment of Rs.15,000/- was made to the defendant on 25.06.2021, whereas the suit was filed on 04.09.2023. Thus, the Court has held that at this stage, it will not be appropriate to reject the plaint on the ground that the suit was filed beyond the prescribed period of limitation.

3. The learned counsel representing the petitioner once again submitted that the court has erred in passing the order.

4. This court has considered the submission of the learned counsel representing the petitioner, however, find no substance therein.



5. At this stage, only the contents of the plaint are required to be examined. In para 7 of the plaint, the plaintiff has specifically stated that the last payment of Rs.15,000/- was paid on 25.06.2021.

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

7. Dismissed.

8. However, the petitioner shall have the liberty to take objection to the maintainability of the suit on the ground of limitation while filing the written statement and pray for culling out a distinct issue on this aspect.

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

(ANIL KSHETARPAL)
JUDGE

January 14, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No