



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

113

CR-3706-2025**Date of Decision: 02.07.2025**

Savita

...Petitioner

Versus

ATS Infrastructure Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Rakesh Bhatia, Advocate,
for the petitioner.

VIKAS SURI, J. (ORAL)

1. The grievance raised in this petition is to order dated 23.05.2025 passed by learned Civil Judge (Senior Division), Chandigarh, whereby the application moved by the petitioner (defendant No.1) under Order 7 Rule 11 read with Section 151 CPC, for rejection of the plaint, has been dismissed.

2. After arguing for some time, learned counsel for the petitioner seeks withdrawal of the present petition with liberty to the petitioner to file an appropriate application before the trial Court, after filing her written statement, pleading that the issue regarding limitation be treated as preliminary issue, as from the facts and circumstances of the present case, the plaintiff-respondent No.1 was well aware immediately after the execution of sale deed dated 30.09.2005 that the defendants were not owners of the entire land in question i.e. 20 bighas 2 biswas and had also moved an



application dated 04.10.2005 (Annexure P-1) before the Tehsildar, Dera Bassi, for entering mutation to the extent of 1/2 share, i.e. 6 kanals 6 marlas against the aforesaid sale deed, as per revenue record.

3. In case such an application, as noticed above, is filed, the same would be considered by the trial Court and disposed of, in accordance with law.

4. The present petition is dismissed as withdrawn with the aforesaid observation.

July 02, 2025
harish

(VIKAS SURI)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No