



127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4781-2024 (O&M)

Date of decision : 01.05.2025

Satjit Singh Walia

...Petitioner

Vs.

Harvinder Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Namit Gautam, Advocate
for the petitioner.

None for the respondent.

ANIL KSHETARPAL, J. (Oral)

1. The defendant assails the correctness of the trial Court's order refusing to reject the plaint filed by the respondent under Order VII Rule 11 of the Code of Civil Procedure, 1908.
2. In substance, the petitioner claims that in view of Section 41(h) of Specific Relief Act, 1963, suit for injunction is not maintainable because the plaintiff was required to file suit for specific performance of the agreement to sell. The trial Court dismissed the application filed for rejection of plaint.
3. Notice of motion was issued, however, he remains unrepresented.
4. Learned counsel representing the petitioner has disclosed that the respondent did not file the suit for specific performance of the agreement to sell within the prescribed period of limitation. He submits that the sale deed was to be executed on or before 26.08.2019 but no suit for specific performance has been filed till date.

5. Keeping in view the aforesaid position, the revision petition is disposed of while granting liberty to the petitioner to file fresh application under Order VII Rule 11 of the Code of Civil Procedure, 1908, which shall be decided by the Court uninfluenced by the impugned order.
6. All the pending miscellaneous applications, if any, are also disposed of.

01.05.2025

neeraj

(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No