

**CR-326-2025(O&M)****-1-****129****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-326-2025(O&M)****Date of decision:-19.02.2025**

Angrej Singh

...Petitioner

Versus

Paramjit Singh

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL**Present** : Mr. Sharad Mehra, Advocate
for the petitioner.

SUVIR SEHGAL, J.(ORAL)

1. Petitioner – defendant has filed the instant petition under Article 227 of the Constitution of India for setting aside order dated 08.05.2024, Annexure P1, passed by the learned Civil Judge (Sr.Divn.), Amritsar, whereby an application filed by him under Order 7 Rule 11 CPC for rejection of the plaint on the ground that the suit is barred by limitation, has been dismissed.

2. I have heard counsel for the petitioner and considered his submissions.

3. Respondent – plaintiff filed a suit, Annexure P1, for recovery of Rs.20 lakhs along with interest. It has been pleaded that the defendant mortgaged land measuring 40K 7M. A mortgage deed dated 11.05.2018 was executed in the presence of witnesses and the entire amount of Rs.20 lakhs was transferred to the bank account of the defendant through electronic mode. After the expiry of the mortgage period of three years, when the plaintiff asked the defendant to get the land redeemed by paying the said amount, defendant refused to make



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the payment, resulting in the institution of the suit. Upon being served, defendant filed a written statement contesting the suit and filed an application, Annexure P4, under Order 7 Rule 11 CPC on the ground that the suit is barred by limitation. His application has been rejected by the Trial Court vide order under challenge herein.

4. In *Re: Cognizance For Extension of Limitation (2022) 3 SCC 117*, Hon'ble Supreme Court has held that the period from 15.03.2020 to 28.02.2022 has to be excluded for the purposes of limitation under any general or special laws in respect of all judicial or quasi-judicial proceedings. It has been further observed that where the limitation would have expired during the aforesaid period, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022. Adverting to the facts of the present case, it is not in dispute that the mortgage was entered into on 11.05.2018 for a period of three years. The cause of action arose to the respondent – plaintiff in May, 2021 and the suit which has been filed on 22.03.2022, has been instituted within the period of limitation. There is no irregularity or illegality in the order passed by the Trial Court.

5. Petition being devoid of merit is dismissed with no order as to costs.

(SUVIR SEHGAL)
JUDGE

19.02.2025
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No