



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA-2245-2024 (O&M)
Date of decision: 28.01.2026

Rajbir

.... Appellant

Vs.

Ganga Ram and others

.... Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Kanwar Abhey Singh, Advocate, for appellant.

Mr. Tanmoy Gupta, Advocate, for the caveators/respondents.

DEEPAK GUPTA, J.

This Regular Second Appeal has been preferred by the plaintiff–appellant Rajbir, calling in question the concurrent orders passed by the Courts below, whereby his plaint was rejected under Order VII Rule 11 of the Code of Civil Procedure.

2. The record reveals that the appellant instituted a suit for declaration challenging a registered sale deed bearing Vasika No.566 dated 14.06.1965, executed by his father Kishan Lal in respect of the property in dispute. The suit came to be filed in the year 2016. The defendants–respondents moved an application under Order VII Rule 11 CPC contending that the suit was ex facie barred by limitation. Accepting the said application, the learned trial Court rejected the plaint vide order dated 17.08.2022. The appeal preferred by the plaintiff was dismissed by the First Appellate Court on 18.10.2022, leading to the present Regular Second Appeal.

3. Learned counsel for the appellant has argued that the plaint has been rejected on the ground of limitation and that limitation being a mixed question of law and fact, the Courts below erred in rejecting the plaint at the threshold without permitting the appellant to lead evidence.

4. This Court has considered the submission but finds no merit in the same.

5. The law with regard to rejection of plaint under Order VII Rule 11 CPC is well settled. In ***T. Arivandandam v. T.V. Satyapal and another, (1977) 4 SCC 467***, the Hon'ble Supreme Court cautioned that if on a meaningful, and not formal reading of the plaint it is manifestly vexatious and meritless, the Court should exercise its power under Order VII Rule 11 CPC and reject the plaint at the threshold. The Court further held that clever drafting designed to create an illusion of cause of action must be nipped in the bud.

6. Further, in ***Popat and Kotecha Property v. State Bank of India Staff Association, (2005) 7 SCC 510***, the Supreme Court authoritatively held that while considering an application under Order VII Rule 11 CPC, the Court is required to examine only the averments made in the plaint and the documents relied upon therein. If from such examination, it is apparent that the suit is barred by any law, including limitation, the plaint must be rejected without proceeding to trial.

7. More recently, in ***Dahiben v. Arvindbhai Kalyanji Bhanusali (Gajra) (deceased) through Lrs and others, (2020) 7 SCC 366***, the Supreme Court reiterated that where the plaint itself discloses that the suit is barred by limitation, the Court is duty-bound to reject the plaint under Order VII Rule 11(d) CPC, and the contention that limitation is a mixed question of law and fact would not arise in such cases.

8. Tested on the anvil of the aforesaid settled principles, the plaint in the present case is ex facie barred by limitation. The appellant seeks to assail a registered sale deed dated 14.06.1965 on the plea that his father, who executed the same, was not competent to alienate the property as karta and that there was no legal necessity. The suit, however, has been instituted in the year 2016, i.e. after a lapse of more than five decades from the date of execution of the sale deed.

9. The plaint further discloses that Kishan Lal, the executant of the sale deed and father of the appellant, expired in the year 2001, nearly 36 years after the execution of the sale deed and 15 years prior to the filing

of the suit. Upon the death of the father, the appellant, being a legal heir, was deemed to have knowledge of the alienation and any right to challenge the same ought to have been exercised within the period prescribed by law.

10. The plea taken by the appellant that the cause of action accrued to him only in the year 2016 is clearly a self-serving and illusory plea, crafted to circumvent the law of limitation. Such pleading falls squarely within the category of “clever drafting” deprecated by the Supreme Court in *T. Arivandandam (supra)*. The Courts below were, therefore, fully justified in piercing the veil of the pleadings and examining the real substance of the claim.

11. In view of the admitted dates and facts emerging from the plaint itself, limitation in the present case does not remain a mixed question of law and fact requiring evidence. The bar of limitation is apparent on the face of the plaint, and thus, the rejection of the plaint at the threshold was legally warranted.

12. Both the Courts below have correctly applied the settled legal principles governing Order VII Rule 11 CPC and have returned concurrent findings based on the plaint averments alone. No illegality, perversity, or jurisdictional error is shown to have been committed. No substantial question of law arises for consideration in this Regular Second Appeal under Section 100 CPC.

13. As such, finding the appeal to be wholly devoid of merit, the same is hereby dismissed.

28.01.2026

Vivek

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes
Whether reportable	No