



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

(110)

CR-7410-2025 (O&M)
Date of Decision:-**10.02.2026**

Gurnam Singh and Others

... Petitioners

Versus

Pargat Singh Brar

... Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Vikas Kumar, Advocate with
Mr. Satyam Arora, Advocate and
Mr. Akhil Kashyap, Advocate
for the petitioners.

**Respondent failed to appear despite having been
served vide order dated 19.01.2026.**

VIRINDER AGGARWAL, J. (Oral)

1. The petitioner has invoked the supervisory jurisdiction of this Court under Article 227 of the Constitution of India by filing the present civil revision, seeking setting aside of the impugned order dated 06.09.2025 (Annexure P-4) passed by the learned Civil Judge (Junior Division), Moga, whereby the application moved by the petitioners under Order VII Rule 11 CPC for rejection of the plaint (Annexure P-1), on the ground that the suit was barred by limitation, was dismissed.

2. The respondent–plaintiff instituted a suit for recovery of a sum of ₹35,50,967.75, pleading that an amount of ₹20,00,000/- was paid by the plaintiff to defendants No.1 and 2 on 13.11.2015, which was thereafter



transferred by them to defendants No.3 and 4, but has not been repaid to date. An FIR came to be registered against the defendants, pursuant to which defendant No.2 filed a bail application titled Harvinder Kaur vs. State of Punjab. The learned Additional Sessions Judge, Bathinda, vide order dated 09.07.2020, directed Harvinder Kaur to join the investigation and granted her interim bail, which she duly complied with. During the course of proceedings, Harvinder Kaur, through counsel, admitted liability to the extent of ₹6,00,000/-. On 14.08.2020, a cheque for ₹6,00,000/- in favour of Pargat Singh was produced by the Investigating Officer; however, vide order dated 11.09.2020, the bail application was dismissed and the cheque was directed to be returned. The said proceedings disclose an admission of receipt of ₹20,00,000/- by way of bank transaction, rendering the principal amount, along with interest, outstanding and payable. The suit was instituted on 06.06.2022. An application seeking rejection of the plaint on the ground of limitation was thereafter filed and, upon contest, dismissed vide the impugned order.

3. Notice of the present revision petition was duly served upon the respondent vide order dated 19.01.2026; however, despite effective service, the respondent has chosen not to enter appearance, and the petition has consequently remained uncontested.

4. I have heard learned counsel for the petitioner and have meticulously perused the paper-book on record.

5. Aggrieved by the impugned order, the present revision petition has been instituted on the ground that the learned Civil Judge has



erroneously interpreted the scope and applicability of Section 18 of the Limitation Act, 1963 (hereinafter to be referred as “the Act”). It has been contended that the learned Court below proceeded on the premise that the suit was filed within three years from the alleged acknowledgment dated 30.07.2020. Learned counsel for the petitioners submits that Section 18 of the Act is attracted only where an acknowledgment is made prior to the expiry of the prescribed period of limitation. In the present case, the plaint itself avers that the loan was advanced on 13.11.2015, while the acknowledgment is stated to have been made on 30.07.2020, i.e. after the expiry of the three-year limitation period prescribed for recovery suits under Article 21 of the Limitation Act. Consequently, the provisions of Section 18 of the Act are asserted to be inapplicable.

6. I find considerable merit in the submissions advanced by learned counsel for the petitioners, inasmuch as the Hon’ble Supreme Court, in ***Sampuran Singh vs. Niranjan Kaur, AIR 1999 SC 1047***, has authoritatively observed as under:-

"Section 18, sub-section (1), itself starts with the words "Where, before the expiration of the prescribed period for a suit or application in respect of any property or right, an acknowledgement of liability in respect of such property or right has been made....". Thus, the acknowledgement, if any, has to be prior to the expiration of the prescribed period for filing the suit, in other words, if the limitation has already expired, it would not revive under this Section. It is only during subsistence of a period of limitation, if any, such documents is executed, the limitation would be revived afresh from the said date of acknowledgment."



7. In *Raghwinder Sharan Singh vs. Ram Prasanna Singh (Dead) through LRs, reported as 2019(2) SCC 417 and 2019(2) CCC 417 (SC)*, the Hon'ble Supreme Court has categorically held that where a suit is *ex-facie* barred by the law of limitation, the plaint is liable to be rejected under Order VII Rule 11 CPC. In the present case, the learned trial Court has proceeded on the basis of the alleged acknowledgment dated 30.07.2020 and has held the suit to be within limitation; however, in doing so, it has overlooked the mandatory requirement under Section 18 of the Limitation Act, 1963, namely that the acknowledgment of debt must be made within the subsisting period of limitation. As per the averments in the plaint, the loan was advanced on 13.11.2015, and the limitation period of three years prescribed under Article 21 of the Limitation Act expired much prior to the alleged acknowledgment dated 30.07.2020. The suit having been instituted on 10.06.2022 is, therefore, clearly time-barred. Consequently, the learned Civil Judge has committed a material illegality in misapplying the provisions of Section 18 of the Limitation Act, 1963. Accordingly, the revision petition is **allowed**, the impugned order is set aside, and the application filed by the petitioners for rejection of the plaint is remitted for fresh decision in accordance with law, keeping in view the provisions of Section 18 of the Limitation Act.

8. It is clarified that the observations made herein are confined to the disposal of the present issue alone and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice the rights or contentions of either party in any other proceedings.



9. In view of the final adjudication of the main matter, all pending miscellaneous applications, if any, stand disposed of accordingly, and no further orders are required in that regard.

10.02.2026
Gaurav Sorot

(**VIRINDER AGGARWAL**)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No