



119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-7584-2025

Date of Decision:18.02.2026

RAJNEESH OIL COMPANY AND ANOTHER ...Petitioners
Vs.

GAGAN SALES INDIA ...Respondent

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr.Akashdeep Miglani , Advocate for the petitioners.
Mr. Siddhant Jain, Advocate for the respondent.

VIRINDER AGGARWAL, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 29.08.2025 passed by the learned Civil Judge (Junior Division), Ludhiana, whereby the application filed by the petitioner under Order VII Rule 11 CPC, seeking rejection of the plaint on the grounds that it was barred by limitation and was not accompanied by the documents relied upon by the respondent/plaintiff, was dismissed.

2. Briefly stated, the respondent/plaintiff filed the present suit seeking recovery of Rs. 21,82,580/- on the basis of entries made in account books. The petitioner/defendant, disputing the claim, filed an application under Order VII Rule 11 CPC, seeking rejection of the plaint. The said application was dismissed by the learned Civil Judge (Junior Division), Ludhiana, vide the impugned order. Notice of motion in the present revision petition was issued vide order dated 19.11.2025. The respondent/plaintiff entered appearance through their counsel, Mr. Siddhant Jain, and has been heard in the matter.

3. I have heard the arguments, and gone through the paper-book carefully.



4. Learned counsel for the petitioner contended that the suit filed by the respondent/plaintiff was clearly barred by limitation, as the last alleged transaction took place on 31.12.2018, and the limitation period would have ordinarily expired on 21.12.2021. It was submitted that the Hon'ble Apex Court, in Suo Motu Writ Petition (C) No. 3 of 2020, excluded the period from 15.03.2020 to 28.02.2022 while computing the period of limitation, and clarified that where the limitation period expired during this excluded period, a further period of 90 days would be available for filing the suit or written statement after 28.02.2022. In the present case, since the limitation period expired on 31.12.2021, which falls within the period 15.03.2020 to 28.02.2022, the suit could only have been filed within 90 days from 01.03.2022. However, the suit was filed on 03.08.2022, well after the said period. Therefore, the learned Civil Judge committed an illegality in dismissing the application under Order VII Rule 11 CPC and wrongly allowed the plaint to proceed.

5. Counsel for the respondent contended that the order of the Hon'ble Apex Court dated 10.01.2022 has been misconstrued by the learned counsel for the petitioner. It was submitted that there is no illegality or infirmity in the findings recorded by the learned Civil Judge. When the limitation was suspended by the Hon'ble Apex Court from 15.03.2020, the respondent/plaintiff was left with a balance period of 665 days of limitation. The suit was filed well within this period, as the 665-day period from 01.03.2022 would extend up to 25.12.2023, whereas the suit was filed on 03.08.2022. Therefore, the learned Civil Judge has rightly declined the petitioner's application under Order VII Rule 11 CPC.



6. I have perused the impugned order, the operative portion of which reads as follows:

“I have heard the arguments of learned counsel for both the parties and have gone through the file carefully. Perusal of the file shows that the plaintiff has filed the suit for recovery and the defendant vide instant application has raised instant application has raised an objection with regard to limitation period and objection with regard to copies of bills. It is pertinent to mention here that the objection of limitation is mixed question of fact and law and the same can only be decided after leading evidence, however, in order to clear the fact that the suit of the plaintiff is within the period of limitation, this Court has relied upon the Suo Moto Writ Petition (C) No. 21 of 2022 of Hon'ble Supreme Court of India passed on dated 10.01.2022 wherein it is held in para no. 5 (III) that "In the event the actual balance period of limitation remaining, with effect from 01.03.2022 is greater than 90 days, that longer period shall apply." Therefore in view of the calculation made by the plaintiff in his reply and legal position referred above, the present suit is within the period of limitation. No ground is made out to reject the plaint on the point of limitation. Accordingly, the application stands dismissed and disposed of.”

7. The Hon'ble Apex Court, in Civil Miscellaneous Application No. 21 of 2022, arising out of Suo Motu Writ Petition (C) No. 3 of 2020, passed an order dated 10.01.2022 has excluded COVID-19 period from calculating period of limitation. Paragraph 5 of the said order is particularly relevant for the present revision petition. Sub-clauses (II) & (III) of this paragraph clarify that where the period of limitation available to a party as of 15.03.2020 exceeded 90 days, such extended period would continue to be available for filing the suit or any other proceedings. The relevant provisions are quoted as follows:

$$I \quad xx \qquad \qquad \qquad xx \qquad \qquad \qquad xx$$

III In cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022 notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 ays from 01.03.2022. In the event the actual balance period of limitation remaining, with effect from 01.03.2022 is greater than 90 days, that longer period shall apply.

9. In view of the above, no illegality or infirmity is made out in the impugned order. Consequently, finding no merit in the present revision petition, the same is dismissed.

kv

KUMUD VERMA
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I attest to the accuracy and
integrity of this document
Chandigarh