



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

CR No.9607 of 2025 (O&M)
DATE OF DECISION: 02.02.2026

RAKESH KUMAR

.... Petitioner

Versus

SURESH KUMAR GARG AND OTHERS

.... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK MANCHANDA

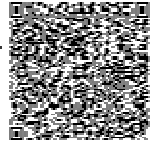
Present: Mr. Sanjeev Goyal, Advocate,
for the petitioner. (through V.C.)

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DEEPAK MANCHANDA, J.

1. The present revision petition has been filed under Article 227 of the Constitution of India with a prayer for setting aside the order dated 14.11.2025 (Annexure P-1) passed by the learned Civil Judge (Junior Division), Sangrur, whereby the application filed by the petitioner/defendant No.1 for dismissal of the suit on the ground of limitation was dismissed.

2. The brief facts emanating from the pleadings of the present petition are that respondent No.1 filed a suit for recovery for an amount of Rs.2,66,62,165/- along with a prayer for permanent injunction restraining the petitioner from selling, alienating, or mortgaging his properties, and a further prayer for mandatory injunction directing respondents/defendants No.2 and 3 to create a second charge over the title deeds deposited by the petitioner. After issuance of notice in the suit, the petitioner/defendant No.1 filed an application seeking dismissal of the suit on the ground that it is barred by limitation. However, the said



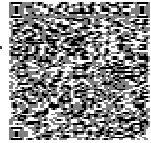
application was dismissed by the learned trial Court vide the impugned order. Hence, the present petition.

3. Learned counsel for the petitioner submits that the learned trial Court failed to properly appreciate the evidence available on record, including the statement of accounts annexed with the plaint. Hence, he prays for setting aside the order dated 14.11.2025 passed by the trial Court.

4. Heard.

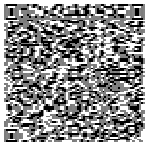
5. A perusal of the impugned judgment would show that the application filed by the petitioner was dismissed on the grounds that the question of limitation is a mixed question of law and fact and therefore, an issue is required to be framed on limitation and the same can be adjudicated only after the evidence is led by the respective parties.

6. This Court has examined the contents of the plaint annexed with the present petition as Annexure P-2, which reveals that an amount of Rs.1,77,74,775/- was due against the petitioner/defendant No.1 as on 31.03.2021, whereafter, upon reconciliation of accounts, the petitioner issued post-dated cheques. Secondly, it has also been submitted by the respondent/plaintiff in the impugned order dated 14.11.2025 that defendant No.1 has not denied paying Rs.25 lakhs on 31.03.2021 in the written statement filed before the trial Court. However, the same has been concealed in the application (Annexure P-4). As per the plaint (Annexure P-2) a suit for recovery of Rs.2,66,62,165/- along with future interest has been claimed against the petitioner, wherein the property in question has also been mortgaged with the respondent bank. These disputed facts need to be proved by way of evidence before the trial Court.



7. Further, the question of limitation cannot be decided merely on the basis of pleadings presented in an application. There is no dispute to the fact that the limitation for filing a suit is governed by Article 58 of the Limitation Act, 1963, which prescribes a period of three years. It is pertinent to note that the limitation period commences from the date when the cause of action first arose. The plaint can be rejected under Order VII Rule 11 CPC if conditions enumerated in the said provisions are fulfilled. It is needless to observe that the power under Order VII Rule 11 CPC can be exercised by the Court at any stage of the suit. The relevant facts which need to be looked into for deciding the application are the averments of the plaint only. If on an entire and meaningful reading of the plaint, it is found that the suit is manifestly vexatious and meritless in the sense of not disclosing any right to sue, the Court should exercise power under Order VII Rule 11 CPC. Since the power conferred on the Court to terminate civil action at the threshold is drastic, the conditions enumerated under Order VII Rule 11 CPC to the exercise of power of rejection of plaint have to be strictly adhered to. The averments of the plaint have to be read as a whole to find out whether the averments disclose the cause of action or whether the suit is barred by any law. It is needless to observe that the question as to whether the suit is barred by any law would always depend upon the facts and circumstances of each case.

8. Given the above discussion, this Court is also of the view that the question of limitation involved in the present case is a mixed question of law and fact and, therefore, an issue is required to be framed on limitation and the same can be adjudicated only after the evidence is



led by the parties. In these circumstances, this Court does not find any illegality, infirmity, or perversity in the impugned order passed by the learned trial Court. Consequently, the present revision petition is dismissed

9. The pending miscellaneous application, if any, is also disposed of as such.

02.02.2026
'Sandeep'

(DEEPAK MANCHANDA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>