

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

131

2025:PHHC:047460



**CR-6049-2023 (O&M)  
Date of decision: 07.04.2025**

**SURINDER SINGH SACHDEVA AND ANR** ..Petitioners

**Versus**

**AMARJIT SINGH AND OTHERS** ..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Jaideep Verma, Advocate  
for the petitioners.

Mr. A.P.S. Sandhu, Advocate  
for respondents.

**ANIL KSHETARPAL, J(Oral)**

1. The petitioners herein are defendants in a pending suit for specific performance of the agreement to sell filed by the plaintiffs. They filed application for rejection of the plaint on the ground that the suit is barred under Order II Rule 2 of the 'CPC' and it was filed beyond the period of limitation. The trial Court dismissed the application.
2. Learned counsel for the petitioners claim that previously the plaintiffs filed a suit for injunction, in which injunction was granted.
3. This Court has considered the submissions of learned counsel for the petitioners.
4. For proving that subsequent suit is barred under Order II Rule 2 of the 'CPC', the defendants are required to produce and prove the pleadings in the previous suit as well as the judgment passed by the Court.
5. In absence thereof, it is not possible to prove that the subsequent suit is barred under Order II Rule 2 of the 'CPC'. The plaintiffs while filing



the suit have asserted a cause of action, which is a mixed question of fact and law.

6. Hence, no ground to interfere is made out.

7. Dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

**April 07<sup>th</sup>, 2025**

*Ayub*

**(ANIL KSHETARPAL)  
JUDGE**

*Whether speaking/reasoned* : *Yes/No*

*Whether reportable* : *Yes/No*