

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

128

2025:PHHC:040373



**CR-4884-2022 (O&M)
Date of decision: 25.03.2025**

RAKESH GUPTA

..Petitioner

Versus

SATWANT SINGH AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vishal Singh, Advocate
Mr. Bhaskar Sarout, Advocate
for the petitioner.

Mr. Gaurav Goel, Advocate
for respondent No.1.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is a defendant in the plaintiffs suit for symbolic possession by way of specific performance of the agreement to sell dated 06.06.2016, with respect to plot measuring 204 square yards. The application filed by the petitioner under Order VII Rule 11 of the Code of Civil Procedure, 1908, to reject the plaint at the threshold has been dismissed by the trial Court.

2. Learned counsel for the petitioner submits that the plaint is liable to be rejected on the following two grounds:-

- i. The plaint does not disclose the cause of action; and
- ii. The suit was filed beyond the prescribed period of limitation.

3. From reading of para 10 of the plaint, it is evident that the plaintiff has asserted that the cause of action accrued in his favour on 06.06.2016 and 02.08.2016. Thus, the plaintiff has made assertions with regard to cause of action.



4. The suit was filed in the year 2016, hence, *prima facie* the suit is within limitation. Moreover, the question of limitation is a mixed question of law and fact. It shall be open to the petitioner to take all objections while filing the written statement.

5. With these observations, the revision petition is dismissed.

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

March 25th, 2025

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*