

07.10.2021

Present: None for the plaintiff.

Counsel Sh. R.K. Santoshi for the defendant.

Perusal of the record reveals that plaintiff has filed suit for declaration, possession and permanent injunction on 29.07.2016. Issues have been framed vide Order dated 11.07.2018. One of the issues i.e. issue no.7 "Whether the suit is barred by limitation?" In paragraph 23 of the plaint, the plaintiff has averred that the cause of action firstly arose in the year 1997. As per Section 9 of Limitation Act, once the limitation period starts no subsequent disability or inability stops the limitation period. The limitation period prescribed for suit for declaration is three years since the accrual of cause of action. In these circumstances, issue no.7 is hereby treated as preliminary issue. Arguments on the said issue shall be heard on the next date.

Put up for arguments on preliminary issue on 14.02.2022.

(VIJAY KUMAR JHA)
Addl. District Judge-02 (East)
Karkardooma Courts/07/10/2021