



HIGH COURT OF SIKKIM
Record of Proceedings

CRP No. 03/2019

JIGMI PHUNCHOK BHUTIA

PETITIONER (S)

VERSUS

AISHWARYA RAI & ANR.

RESPONDENT (S)

For petitioner : Mr. Nilanjan Bhattacharjee, Advocate
Mr. Souri Ghosal, Advocate
Mr. Amresh Kumar Mandal, Advocate

For respondent No.1 : Ms. Navtara Sarada, Legal Aid Counsel.

For respondent No.2 : None.

Date: 03/04/2021

CORAM :

HON'BLE MR. JUSTICE JITENDRA KUMAR MAHESHWARI, CJ.

...

Being aggrieved by the Order dated 24.05.2019 rejecting the application under Order 7 Rule 11 read with Section 151 of the Code of Civil Procedure, 1908 and Sections 34 and 35 of the Specific Relief Act, 1963 as well as Article 58 of the Limitation Act, 1963, this revision has been preferred by the Defendant/Applicant.

After hearing learned Counsel for the applicant as well as the respondent and looking to the objection which relates to the dismissal of the suit, as barred by limitation and further the question of limitation is a mixed question of law and facts; it is suffice to observe that the defendant/applicant is at liberty to raise the said issue in the written statement and the Trial Court shall decide the issue affording an opportunity to lead evidence to both the parties while deciding the suit on merit.

In view of the aforesaid observation, interference at present in the order impugned is not warranted, thus, this petition is disposed of.

Chief Justice