

CPC, 1908, O.7, R.11(d) – Plaintiff – Bar of limitation – Rejection of plaintiff – Suit for declaration and possession – Application filed after 15 years of filing of suit – Written statement filed, framing of issues including on limitation, evidence led, plaintiff cross-examined – Before conclusion of the trial, the application under Order VII, Rule 11 was filed for rejection of the plaintiff – There was not even a suggestion to the plaintiff/appellant to the effect that the suit filed by him is barred by limitation – Trial Court and High Court has committed an error in rejecting the same at the belated stage that too without advertizing to all the materials which are available in the plaintiff – Suit restored

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[2007 PLRonline 0102](#)