

**Mukesh Yadav v. Yadvender Singh, 2020PLRonline 5208, [#2419302]**

Limitation Act, 1963 Section 17 - Earnest money - Suit for recovery - Limitation - In case of a suit for recovery of money; per se, the limitation is to start from the date of the payment of the money, however, that limitation is applicable only in cases of pure money transaction of advancement of loan or otherwise - In case of suit for recovery of the earnest money, the said limitation would not start running from the date of payment of the earnest money because any necessity of suit for recovery of earnest money would depend upon the contingency of non-performance of [contract](#) of sale by the other side - In that case, the limitation would start from the date of refusal of the execution of the agreement; as defined under the agreement; or from the date of knowledge of the fraud, if any, found committed in the alleged agreement - Plaintiff pleaded fraud in execution of the agreement to sell and he has succeeded in proving the same by showing that the shops in question already sold by the defendant.

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