

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. \_\_\_\_\_ OF 2026  
(Arising out of SLP (C) No. 8520 of 2020)**

**ADMINISTRATOR OF THE  
SPECIFIED UNDERTAKING OF THE  
UNIT TRUST OF INDIA & ANR.**

**...Appellant(s)**

**VERSUS**

**OM PRAKASH LAKHINA & ORS.**

**...Respondent(s)**

**O R D E R**

1) Leave granted.

2) The present appeal has been preferred by the plaintiffs-appellants, challenging the order<sup>1</sup> passed by the High Court<sup>2</sup> allowing the application under Order VII, Rule 11 of the Code of Civil Procedure, 1908 (hereinafter 'CPC') filed by the respondent no.1-defendant no.1 in O.S. No. 1007 of 2008. This order sets aside the order<sup>3</sup> of rejection of such application by the Trial Court<sup>4</sup>.

3) After perusal of the facts, it is clear that the FIR was registered against respondent No.1 in 2002, the chargesheet was filed in 2003 and thereafter, he was

1 Order dated 12.12.2019 in Civil Revision No. 523 of 2012

2 High Court of Judicature at Allahabad

3 Order dated 28.07.2012

4 Additional District Judge, Court No. X, Varanasi

dismissed from service on 11.11.2005. After dismissal, the suit for recovery of money was filed by the appellant on 28.08.2008. Respondent No. 1 filed the application under Order VII, Rule 11 of CPC contending that the suit is barred by limitation, which was accepted by the High Court.

4) After hearing learned counsel for the parties and considering the fact that issue of limitation being a mixed question of fact and law may be looked into based on the averments made in the plaint and the objections taken in the application. After perusal of all the attending facts and circumstances, we are of the view that rejection of the plaint by allowing the appreciation as directed by the High Court, is not justified.

5) Accordingly, the order passed by the High Court stands set aside, restoring order of the Trial Court. Consequently, the application filed by the respondent stands disposed of. We make it clear that the question of limitation is a mixed question of fact and law, as such, respondent no.1 is at liberty to raise all the facts for appreciation, including the direction of limitation, in their written statement which shall be decided by the

Trial Court at the time of merit after evidence. In consequence, the suit be restored to its file and be decided as expeditiously as possible, preferably, within a period of two years.

6) Accordingly, the Civil Appeal is allowed. Pending application(s), if any, shall stand disposed of.

....., J.  
[J.K. MAHESHWARI]

....., J.  
[ATUL S. CHANDURKAR]

New Delhi;  
April 15, 2026.

ITEM NO.32

COURT NO.3

SECTION XI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 8520/2020

[Arising out of impugned final judgment and order dated 12-12-2019 in CR No. 523/2012 passed by the High Court of Judicature at Allahabad]

ADMINISTRATOR OF THE SPECIFIED

UNDERTAKING OF THE UNIT TRUST OF INDIA & ANR.

Petitioner(s)

VERSUS

OM PRAKASH LAKHINA & ORS.

Respondent(s)

(IA No. 110704/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

FILE ADDITIONAL

Date : 15-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI  
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :

Mr. Sanjeev Kumar, AOR  
Mr. Naik H.k., Adv.  
Mr. Ashok Kumar Panigrahi, Adv.  
Mr. Rajnish, Adv.

For Respondent(s) :

Mr. Sonal Kumar Singh, Adv.  
Mr. Yashvardhan Singh Gohil, Adv.  
Mr. Paritosh Anil, AOR  
  
Mr. Kumar Prashant, AOR

UPON hearing the counsel the Court made the following  
O R D E R

- 1) Leave granted.
- 2) The civil appeal is allowed in terms of the signed order. Pending application(s), if any, shall stand disposed of.

(NIDHI AHUJA)  
DEPUTY REGISTRAR

(NAND KISHOR)  
ASSISTANT REGISTRAR

[Signed order is placed on the file.]