

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA No. 3765 of 2007 (O&M)

Date of decision: 13.08.2015

Ram Kumar and others

... Appellants

versus

Pirithi

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. C.B. Goel, Advocate for the appellants.

K.Kannan, J.

The regular second appeal was kept pending all these years to await the decision of Hon'ble Supreme Court regarding the consideration of a plea of limitation for redemption of a mortgage. Now the decision has come in Singh Ram (D) through Legal Representatives Vs. Sheo Ram and others in 2014 (9) SCC 185, has held that mere expiry of 30 years will not extinguish the right. So long as the right of the mortgagee does not come to an end by foreclosing the right to redeem by legal means such as when the right has been transferred to the mortgagee, the mortgagor or his successor-in-interest shall always have the competency to have the mortgage redeemed. There is nothing substantial for consideration in favour of the appellant in the light of the decision in Singh Ram's case (supra). The regular second appeal is dismissed.

13.08.2015

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(K.KANNAN)

JUDGE

