

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Regular Second Appeal No. 4552 of 2012 (O&M)
Date of decision: 3.7.2015

Parkash Chand

.. Appellant

v.

Samardeep Singh and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Vikas Mohan Gupta, Advocate for the appellant.
Mr. Varun Jain, Advocate for the caveators-respondents.

...

Rajesh Bindal J.

The defendant is before this court impugning the judgments and decrees of both the courts below, whereby the suit filed by Maya Kaur, predecessor-in-interest of the respondents for possession by way of redemption of mortgage, was decreed.

The mortgage deed dated 12.7.1996 for a sum of ₹ 11,000/- is not in dispute. The only issue sought to be raised by the appellant was that the property in question was already on rent with his son, hence, even if the mortgage is redeemed, the possession of the property cannot be given back to the respondents. However, the appellant had failed to lead any evidence to show that the property was ever rented out by the predecessor-in-interest of the respondents to the son of the appellant. Rather, in the mortgage deed, it is specifically mentioned that the shop was mortgaged and the possession was being handed over to the mortgagee.

With the aforesaid material on record, I do not find that any error has been committed by both the courts below in decreeing the suit filed by the predecessor-in-interest of the respondents.

No substantial question of law arises in the present appeal. The same is, accordingly, dismissed. Consequently, the accompanying application is also dismissed.

(Rajesh Bindal)
Judge

3.7.2015
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