

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

RSA No.3455 of 2015(O&M)

Date of decision: 05.11.2015

Manjeet Kumar

.....Appellant

versus

Surjan and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.J.P.Sharma, Advocate for the appellant

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present regular second appeal is the judgment and decree dated 7.3.2015, passed by the learned Additional District Judge, Rewari, affirming the judgment and decree dated 22.4.2013, passed by the learned Civil Judge, Junior Division, Rewari, vide which, suit of the plaintiff was dismissed.

I have heard learned counsel for the appellant and have also carefully gone through the file.

It comes out that according to the plaintiff, defendant No.1 had executed the mortgage deed in his favour on 18.4.2007 after receiving Rs.2 lacs as a loan. The condition was that mortgage is to be redeemed within two years from the date of execution by paying principal sum. The mortgage has not been redeemed. Therefore, the

plaintiff claims that he has become owner of the disputed property.

I am of the view that the said declaration is not available to the plaintiff. If the mortgage is not redeemed and the money is not returned, the remedy available to the plaintiff is to file a suit for recovery. He cannot become owner on the ground that the mortgage has not been redeemed within a period of said two years.

No ground to interfere in the concurrent findings of the two Courts below.

Consequently, the present appeal stands dismissed.

05.11.2015
gk

(Kuldip Singh)
Judge