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

RSA-4383-2006 (O&M)

Date of decision : 01.03.2016

Bhateri and others

...Appellants

Versus

Mahender Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Arvind Singh, Advocate
for the appellants.

Mr. Puneet Jindal, Senior Advocate with
Mr. Parambir Singh, Advocate
for the respondents.

1. Whether reporters of local papers 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?

AMIT RAWAL, J. (ORAL)

The appellants-plaintiffs are aggrieved of the concurrent findings of fact, whereby the suit claiming declaration that the plaintiffs have become owners in view of the fact that the respondents-Mortgagor has failed to redeem the property mortgaged vide mortgage deed dated 10.06.1963 against a valuable sale consideration of ₹ 6,000/- has been dismissed.

Mr. Arvind Singh, learned counsel for the appellants submits that period of 30 years had expired in the year 1993 and therefore, the mortgagor was left with no title and interest in the property and, therefore, mortgagee had become the owner in view of the non-redemption of the possession. Both the Courts below have not appreciated the aforementioned facts while dismissing the suit and submits that the substantial questions of law as carved out in the

memorandum of appeal are required to be formulated.

Mr. Puneet Jindal, learned Senior Counsel assisted by Mr. Parambir Singh, learned counsel appearing on behalf of the respondents submits that though as per the latest judgment of Hon'ble Supreme Court rendered in **"Singh Ram (Dead) through Legal Representatives V/s Sheo Ram and others" (2014) 9 Supreme Court Cases 185**, there is no limitation to seek redemption, however, the appellants-plaintiffs conceded the factum of withdrawal of similar suit, as no liberty was granted to file afresh. Be that as it may, the fact remains that once there is no limitation, no right survives in the aforementioned suit and urges to this Court to dismiss the appeal.

I have heard the learned counsel for the parties and appraised the paper book and of the view that there is no force in the plea of Mr. Arvind Singh, for the reason that in view of the ratio decidendi culled out in the judgment of Hon'ble Supreme Court in **Singh Ram (Dead) through Legal Representatives's case** (supra), there is no limitation to seek redemption, moreover, the suit, in view of such, is not maintainable and rightly so, both the Courts below have dismissed the suit.

In view of the aforementioned facts, I do not intend to differ with the findings rendered by both the Courts below which are based upon the appreciation of the oral and documentary evidence, much less, no substantial questions of law arises to be determined by this Court.

Accordingly, the appeal is dismissed.

01.03.2016
yogesh

(AMIT RAWAL)
JUDGE