206

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

Date of decision : 16.12.2016

1. **RSA-3740-2011 (O&M)**

Chander Sain and others

... Appellants

Versus

Naresh Kumar and others

... Respondents

2. **RSA-3741-2011 (O&M)**

Chander Sain and others

... Appellants

Versus

Het Ram and others

... Respondents

3. **RSA-3728-2011 (O&M)**

Hans Raj

... Appellant

Versus

Het Ram and others

... Respondents

4. **RSA-3729-2011 (O&M)**

Hans Raj

... Appellant

Versus

Naresh Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. A.K. Chopra, Senior Advocate with
Mr. Harminder Singh, Advocate
for the appellant(s) in all the appeals.

Mr. Kehsav Pratap Singh, Advocate
for respondent Nos.1 to 10 in RSA Nos.3740 & 3729 of 2011.

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Mr. Manmohan Singh, Advocate
for respondent Nos.1 to 6 & 8 to 27 in
RSA Nos.3728 & 3741 of 2011.

Ms. Ramandeep Kaur, Advocate
for respondent Nos.29 to 32 in RSA Nos.3728 & 3741 of 2011.

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AMIT RAWAL, J. (ORAL)

This order of mine shall dispose of the four appeals, aforementioned, whereby the suit seeking declaration of having become owners by efflux of time owing to the fact that the mortgagor has failed to get the redemption within the period of limitation as per the Article 61 of the Limitation Act, has been dismissed by both the Courts below.

Both the Courts below have committed illegality and perversity in not appreciating the evidence brought on record.

The provisions of Article 61 of the Act have been interpreted by the Full Bench of this Court in ***"Ram Kishan and others V/s Sheo Ram and others" 2008 (1) PLR 1***, reiterated by Hon'ble the Supreme Court in ***"Singh Ram (D) through LRs V/s Sheo Ram and others" 2014 AIR (SC) 3447***, wherein it has been held that where the mortgagor does not specify the period of redemption, there shall be no limitation for seeking the redemption.

Concededly, the mortgage deeds do not prescribe any time frame for seeking the redemption, thus, I am of the view that the appellant(s)-plaintiff(s) would not have any right to seek the relief, as noticed above.

Keeping in view the aforementioned facts and circumstances,

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the judgments and decrees of the Courts below are, thus, perfect and justified, much less, no ground is made out for interference and and accordingly, the appeals are dismissed.

(AMIT RAWAL)
JUDGE

16.12.2016
Yogesh Sharma

Whether speaking/reasoned **Yes/ No** ✓

Whether Reportable **Yes/ No** ✓

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