

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

RSA No.2894 of 2012 (O&M)

Date of Decision:21.07.2016

Bikram Singh and another

.....Appellants

Vs

Kesari Devi and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Ms. Neha Jain, Advocate for
Mr. K.S. Dadwal, Advocate
for the appellants.

RAJ MOHAN SINGH, J.

[1]. Plaintiffs are in appeal against the concurrent judgments and decrees passed by the Courts below.

[2]. A suit for declaration was filed by the plaintiffs to the effect that they have become owner of the mortgaged property by efflux of time. Plaintiffs claimed that one Sawal Ram son of Kesar was owner of the land in question in the year 1929-30. Said Sawal Ram mortgaged 289 kanals 14 marlas of land for a mortgage amount of Rs.600/- in favour of Ram Chand and Munshi Ram sons of Beli Ram in equal shares vide registered mortgage deed dated 25.08.1932. Aforesaid Ram Chand and Munshi Ram are predecessors-in-interest of the plaintiffs. The

details of the land were given in the plaint with reference to khasra number and other nomenclature.

[3]. Plaintiffs alleged that the mortgage deed was duly incorporated in the revenue record and mutation No.226 was sanctioned on 16.03.1933 in respect of land situated in village Kartoli and mutation No.298 was sanctioned in respect of land in village Sikri. Plaintiffs further alleged that the mortgagor never paid mortgage debt, nor got the mortgage redeemed. Mortgagees remained in possession of the mortgaged land during their lifetime.

[4]. Plaintiffs claimed themselves to be successors-in-interest of the mortgagees and defendants claimed themselves to be successors-in-interest of the mortgagor Sawal Ram. Admittedly, mortgage was found to be a usufructuary mortgage. Trial Court dismissed the suit and the plaintiffs remained unsuccessful before the lower Appellate Court as well.

[5]. When the appeal came up for hearing before this Court, it was pointed out that appeal against Full Bench decision of this Court in **Singh Ram (deceased) through LRs Vs. Sheo Ram and others, 2008(1) CCC 414** was pending before the Hon'ble Apex Court in Civil Appeal No.5198 of 2008. Admittedly, now Civil Appeal No.5198 of 2008 has been decided on 21.08.2014 and the decision in **Singh Ram's case (supra)** has been

upheld.

[6]. In the light of aforesaid facts, this Court is left with no option, but to dismiss the appeal. No law point is involved in the present appeal and therefore, the same is dismissed being bereft of merits.

21.07.2016

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**(RAJ MOHAN SINGH)
JUDGE**