

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

RSA No.4915 of 2013 (O&M)

Date of decision:01.09.2016

Jagroop Singh and others

... Appellants

Vs.

Bahadur Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Lalit Sharma, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

C.M.No.13208-C-2013

For the reasons stated in the application, duly supported by an affidavit, delay of 52 days in re-filing the appeal is condoned.

C.M. stands disposed of.

RSA No.4915 of 2013 (O&M)

The appellant-plaintiffs are aggrieved of the dismissal of the suit seeking declaration of having become owners by virtue of the mortgage deed having become un-redeemable on expiry of the period of limitation.

Mr. Lalit Sharma, learned counsel appearing on behalf of the appellant-plaintiffs submits that limitation to seek redemption is 30 years and the respondents have failed to seek redemption of the same, therefore, valuable rights accrued in favour of the appellants for seeking declaration and the Courts below have rejected the claim in the suit and thus, urges this

Court for setting aside the findings under challenge.

I have heard learned counsel for the appellant-plaintiffs and appraised the judgments and decrees of the Courts below.

It is a conceded position on record that mortgage deed did not prescribe the period of redemption and there is no limitation to seek redemption in view of the ratio decidendi culled out by the Hon'ble Supreme Court in **Singh Ram (D) through LRs vs. Sheo Ram and others 2014(4) RCR (Civil) 179**. Even such type of suits are not maintainable and rightly so, the Courts below have declined the relief as sought. I am of the view that suit is not maintainable and the appellants cannot clothe the status of tenants after expiry of 30 years period of limitation.

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

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

September 01, 2016
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No