

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

Regular Second Appeal No.900 of 2013 (O&M)
Date of decision: 2.9.2016

Raja Ram

... Appellant

Versus

M/s Greater Delhi Planner Pvt. Ltd.

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Lokesh Sinhal, Advocate,
for the appellant.

Mr.Kulbhushan Sharma, Advocate,
for the respondents.

AMIT RAWAL, J. (Oral)

The appellant-plaintiff is aggrieved of the dismissal of the suit seeking declaration that he had become owner by way of efflux of time as the respondent had failed to redeem the mortgage.

Mr.Lokesh Sinhal submits that the stand of the respondent-defendant was that it had already redeemed and possession was also taken after making payment though no receipt of payment has come on record. Alternative prayer to restore back possession since question of redemption has not been proved.

Per contra, Mr.Sharma submits that in view of the ratio culled by the Hon'ble Supreme Court in Singh Ram (D) through LR's v. Sheo Ram

redemption but the fact remains that once possession had been delivered, the property stood redeemed and there was entry of Roznamcha and urges this court to affirm the findings.

I have heard the learned counsel for the parties and perused the paperbook and of the view that once possession is with the mortgagor, the presumption is that it already stood redeemed and entry of Roznamcha is already there. No sane person would handover the possession without receipt of the payment of mortgage amount. I do not intent to differ with the concurrent findings of fact based upon appreciation of oral and documentary evidence.

No ground for interference is made. Accordingly the present appeal stands dismissed.

(AMIT RAWAL)
JUDGE

September 2, 2016

Paritosh Kumar

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No