

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

R.S.A No. 1962 of 2015 (O&M)

Date of decision :10.02.2016

Arjun Singh and others

..... Petitioners

Versus

Hari Parkash and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.J.S.Virk, Advocate
for the applicants-appellants.

DARSHAN SINGH, J. (Oral)

CM No. 5199-C of 2015

This application has been filed under Section 5 of the Limitation Act for condonation of delay of 77 days in re-filing the appeal.

Heard on the application.

In view of the reasons mentioned in the application, the application stands allowed and the delay of 77 days in re-filing the appeal is hereby condoned.

R.S.A No. 1962 of 2015(O&M)

The present suit has been filed for possession on the plea that the mortgage was redeemed. But, both learned Courts below have found that only the land measuring 61K-7M out of the total land measuring 67K-5M was redeemed, which was sold by way of sale deed Ex.P-2 and the

land comprised of Killa No.15(5-18) was never redeemed. The learned First Appellate Court has very rightly observed that once mortgage is always mortgage and the appropriate remedy available with the plaintiffs was to get the land redeemed in accordance with law.

Learned counsel for the appellant contended that the present appeal may be disposed of in view of the aforesaid observations made by the learned First Appellate Court and the plaintiffs-appellants will avail the remedy available to them for redemption of the land in dispute.

The present appeal stands disposed of accordingly.

10.02.2016

S.khan

**(DARSHAN SINGH)
JUDGE**