

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 15.11.2017****CM No.13435-C of 2017 in/and**
RSA No.2856 of 2015

Paltu Ram

...Appellant

Vs.

Naresh Kumar & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Mr. Krishan Singh, Advocate,
for the applicant/appellant.**RAJIV NARAIN RAINA, J. (ORAL)****CM No.13435-C of 2017**

The application is allowed for the reasons stated therein, which is duly supported by an affidavit. Order dated 26.10.2017 is recalled and the main appeal is ordered to be restored to its original number to be heard today itself on preliminary hearing.

RSA No.2856 of 2015

The redemption money has been paid in a sum of ₹4000/- in Court vide receipt Ex.PX and as a result thereof, the suit property (shop) by virtue of mortgage deed dated 07.04.1992 (Ex.P1) stands redeemed and, therefore, possession has to come back to the plaintiff owner. It is established on record that the defendant/appellant came into possession of the suit property on the basis of a mortgage deed. The Court of first appeal was correct in observing that since the defendant denied the existence of the

mortgage altogether, hence the Court does not find any justification for passing any preliminary decree. The defendant is free to receive ₹4000/- from Court to end the dispute.

It may be further mentioned that the Additional District Judge, Yamuna Nagar at Jagadhri passed judgment and decree on 21.01.2015 and the decree stands executed with possession over the suit property passing to the plaintiff(s).

Consequently, I do not find any merit in the instant regular second appeal, which is ordered to stand dismissed in *limine* with no question of law arising for consideration.

15.11.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*