

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

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RSA No.4372 of 2015 (O & M)
Date of Decision:08.12.2017

Sandoor Singh

...Appellant

Versus

Pritam Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Anupam Bhanot, Advocate
for the appellant.

ANIL KSHETARPAL, J.(Oral)

CM-10538-C-2015

For the reasons stated in the application, which is duly supported by an affidavit, delay of 274 days in re-filing the appeal is condoned.

Application is allowed.

CM-10539-C-2015

For the reasons stated in the application, which is duly supported by an affidavit, delay of 42 days in filing the appeal is condoned.

Application is allowed.

Main Case

Plaintiff-appellant is in regular second appeal against the concurrent findings of fact arrived at by the Courts below.

Plaintiff had filed a suit for possession of land measuring 33 kanals and 14 marlas details whereof were given in the plaint. It was the case of the plaintiff that entry of mortgage in the revenue record is wrong.

In the alternative, it was prayed that a decree for redemption be passed in

his favour.

In reply, the defendants pleaded that the land was under mortgage and application filed by predecessor-in-interest of the plaintiff-Gandu was decided on 26.07.1945. It was further alleged that Gandu had in fact mortgaged the property to Basant Singh in the year 1865 Ex.D-1 on the file.

Both the Courts after appreciating the evidence available on the file, dismissed the suit filed by the plaintiff.

Learned counsel for the appellant has submitted that in fact the order dated 26.07.1945 was not with respect to the land in dispute. This Court repeatedly requested the counsel to point out if such plea was even raised before the Courts below, however, learned counsel for the appellant failed to answer.

Both the Courts have concurrently recorded that predecessor-in-interest of the plaintiff had sought redemption of the mortgage land but failed. That order has attained finality. The order was passed on 26.07.1945.

Taking into consideration these facts, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Hence, this regular second appeal is dismissed.

08.12.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No