

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

CR No.3609 of 2017
Date of decision: 09.01.2018

Jagmati ... Petitioner

versus

Moji Ram ... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Ravinder Malik, Advocate
for the petitioner.

Ramendra Jain, J.(Oral)

Through this revision petition challenge has been laid to the order dated 16.05.2016 (Annexure P-1) of the learned District Judge, Rohtak.

In nutshell, the respondent – Moji Ram filed a petition under Section 8 of Bengal Regulation Act (in short 'the Act') for foreclosure of the mortgage in his favour done by the husband of the petitioner or in the alternative to direct the petitioner to get the mortgage property redeemed by making the payment of principal amount along with interest.

Consequently, learned District Judge, Rohtak sent notice to the petitioner, who finally appeared on 16.05.2016.

Since in Section 8 of the Act, a statutory period of one year has been granted to the Mortgagor to redeem the property, therefore, no action was called for by the District Judge on 16.05.2016, therefore, he ordered for consignment of the application of the respondent – Moji Ram to the record room.

The petitioner, who had stepped in the shoes of her husband after his death, had a legal right to get the mortgage property redeemed

within one year of the filing of the aforesaid application under the Act by the respondent – Moji Ram, but she did not repay the mortgage money to redeem the land, rather cleverly filed the instant revision petition under Article 227 of the Constitution of India, knowing well that the revision petition against the order dated 16.05.2016 (Annexure P-1) would result into dismissal being hopelessly time barred.

Learned counsel for the petitioner is not able to point out any illegality or perversity in the order dated 16.05.2016.

Consequently, the present revision petition is dismissed being completely devoid of merit subject to payment of costs of Rs.2,000/- to be deposited with the District Legal Services Authority, Rohtak. Member Secretary, District Legal Services Authority, Rohtak is directed to initiate the proceedings to recover the costs from the petitioner.

09.01.2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No