

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

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RSA No.4618 of 2012 (O&M)

Date of Decision : 07.05.2018

Satish Kumar and others

..... Appellants

Versus

Amarjeet Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Mahavir Sandhu, Advocate
for the appellants

Mr. B.S.Badhran, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below decreeing a suit filed by the respondents.

The case of the respondents was that they had purchased mortgager rights of the property in dispute and had filed the instant suit for redemption.

The case of the appellants-defendants was that the suit was hopelessly barred by limitation since the mortgage had been created in the year 1937 while the suit was filed in the year 2005 after almost 70 years.

Both the Courts below held that there would be no limitation for a suit for redemption and that is how the appellants-defendants are

Learned counsel for the appellants has fairly accepted that in view of the latest decision of the Supreme Court in *Singh Ram (D) through LRs Vs. Sheo Ram and others, 2014 AIR SC 3447* there would be no limitation on the right of the mortgager to redeem the property but in the present case after the death of the original mortgager his daughters inherited the property and they sold it to the present respondents and as far as the present respondents are concerned the limitation would be for a period of 12 years from the date of purchase of mortgager rights by them.

In my opinion, there is no warrant for this proposition of law. Once the respondents stepped into the shoes of the mortgager they would have all the rights of the original mortgager. There can be no distinction in the rights of a mortgager depending on whether those rights have been transferred by way of succession or by way of purchase.

In the circumstances, there is no merit in this appeal.

Appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

07.05.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No