

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

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**RSA No.3394 of 2013 (O&M)
Date of decision: 01.10.2018**

Gurmail Singh and others

..... Appellants

Versus

Jit Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sandeep Bansal, Advocate
for the appellants.

Ms. Dhivya, Advocate
for respondents No.38 to 41.

ANIL KSHETARPAL, J. (ORAL)

Plaintiffs-appellants are in the regular second appeal against the judgment passed by the learned First Appellate Court refusing to grant any declaration that the plaintiffs have become owner by efflux of time on account of expiry of limitation for redemption of the usufructuary mortgage. It is undisputed that in the usufructuary mortgage, no period for redemption was prescribed. The aforesaid issue has already been decided against the appellants by a Larger Bench of the Hon'ble Supreme Court in the case of Singh Ram (D) through LRs Vs. Sheo Ram and others, 2014(4) RCR(Civil) 179. In fact, it has been held that the limitation does not begin to run unless the mortgagee tenders the amount to the mortgagor and the mortgagor refuses the same.

In view of the aforesaid judgment, there is no ground to interfere.

Appeal is dismissed.

**(ANIL KSHETARPAL)
JUDGE**

01.10.2018
Dinesh Bansal

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No