

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

RSA No.1525 of 2016 (O&M)

Date of decision : 17.05.2018

Balwant Singh

...Appellant

Versus

Mukhtiar Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Munish Raj Chaudhary, Advocate for
Mr. K.S. Chahal, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

The plaintiff had claimed that since the property still continuous to be under mortgage, therefore, he has become owner by lapse of time.

On the other hand, defendants contested the suit and submitted that the mortgage has already been redeemed.

Both the Courts below have found that when the predecessor of the defendants executed a sale deed dated 27.05.1946, amount of mortgage was retained by Narain Singh and, therefore, the mortgage stood redeemed. Out of the total sale consideration of ₹3120/-, only ₹2500/- was paid and the mortgage amount of ₹620/- was retained. Narain Singh was mortgagee.

In view thereof, no error is found in the judgments passed by the Courts below while recording a finding that the mortgage stood redeemed and hence, there is no merit in the appeal filed by the plaintiff.

Learned counsel for the appellant although made a sincere attempt however could not point out any substantive, mis-reading or non-reading of the evidence. Hence, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of in view of the abovesaid judgment.

17.05.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No