

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

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RSA 1851 of 2015 (O&M)
Date of decision: 06.03.2018

Risal Singh through LRs Krishan and others*Appellants*

Versus

Kanta Bai and others*Respondent*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Sanjeev Kodan, Advocate
for the appellants

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Rekha Mittal, J. (Oral)

The present appeal directs challenge against concurrent findings recorded by the Courts whereby suit for declaration with consequential relief of permanent injunction on the premise that the appellants/plaintiffs have become owners of suit land by prescription being in its possession as mortgagee since long being descendants of late Shri Sahi Ram son of Shri Het Ram was dismissed by the trial Court and judgment and decree passed by the trial Court were affirmed in appeal by the Additional District Judge, Jhajjar.

Apart from the fact that the appellants have failed to comply with order dated 02.02.2018 by way of deposit of Rs.5,000.00 as costs with the High Court Legal Services Committee, the controversy raised in the present appeal is squarely covered against the appellants in view of judgment of this Court ***Ram Kishan and others vs. Sheo Ram and others, 2007 (4) LJR-1*** which stands affirmed by Hon'ble the Supreme Court to the

effect that there is no limitation for redeeming a usufructuary mortgage. Counsel for the appellants has not cited any contrary judgment nor advanced any arguments as to how the appellants can escape ratio laid down in the aforesaid judgment.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

(Rekha Mittal)
Judge

06.03.2018
mohan bimbira

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No