

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.1280 of 2014 (O&M)
Date of Decision : 09.10.2018

Khushi Ram and others

Appellants

Vs.

Mahender Singh and others

Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. C.B.Goel, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

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

The case of the respondents was that their predecessor-in-interest had mortgaged the land in dispute with the predecessor-in-interest of the appellants and subsequently they redeemed the mortgage but somehow the revenue entries continued showing them as mortgagers. It was further pleaded that if the redemption is not proved in any case they were entitled to redeem the property now.

Both the Courts having decreed the suit, the mortgagee is before this Court. Counsel for the appellants has argued that once it was the case of the respondents that they had redeemed the property there was no occasion for them to seek redemption second time.

In my opinion, this argument would not avail because an alternate plea had been taken by the respondents to this effect.

On the other hand the solitary stand of the appellants was that this mortgage was for a fixed period of five years and it was never redeemed; and now the redemption was beyond limitation.

In these circumstances, if the Courts allowed the alternate relief of granting the right of redemption on payment of the mortgage money it can not be said to be illegal.

Appeal stands dismissed.

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

09.10.2018

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No