

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.750 of 2016 (O&M)

Date of Decision: May 14, 2018

Satpal & others

...Appellants

Versus

Jagmal Singh (since deceased) through L.Rs & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

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

AMIT RAWAL, J. (Oral)

Appellant-plaintiffs are aggrieved of the concurrent findings of facts and law, whereby the suit for declaration challenging the order of redemption dated 25.1.2008 passed in the application preferred by the respondent-defendants, has been dismissed.

Mr.C.B.Goel, learned counsel for the appellant-plaintiffs submitted that the appellants were granted mortgage rights vide document dated 13.10.1959. The defendants had lost the right to claim redemption. The application before the authorities under the Punjab Redemption of Mortgages Act for redemption of the property in question was not maintainable, but the same, at the back of the plaintiffs, was allowed on 25.1.2008. It is on that account, the suit aforementioned was filed, for, the property was owned by Kalu, Tulsi and Chasitu son of Bhikhan. Their share was inherited by the subsequent mortgagors. The findings of fact arrived at by the Courts below are not sustainable as the whole genesis of the

judgment had been on the ground that the earlier suit filed had been dismissed but that suit was not dismissed on merits.

I have heard the learned counsel for the appellant-plaintiffs, appraised the paper book and of the view that there is no force and merit in the submissions of the learned counsel.

The suit aforementioned was filed on 31.5.2008, whereas earlier Civil Suit No.575 of 2002 was dismissed on 23.4.2008. Redemption proceedings cannot be thwarted in the manner and mode as adopted. Concededly, the appellant-plaintiffs are mortgagors. The status of the mortgagees will continue to remain as mortgagee.

For the reasons stated above, there is no illegality or perversity in the impugned order. No ground for interference is made out. Resultantly, the appeal is dismissed.

May 14, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No