

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

**109**

**Date of Decision : 30.08.2018**

**1. RSA No.1288 of 2017 (O&M)**

Ram Sarup and others

..... Appellants

Versus

Mangal and others

..... Respondents

**2. RSA No.3572 of 2017 (O&M)**

Ram Sarup and others

..... Appellants

Versus

Mangal and others

..... Respondents

**3. RSA No.1881 of 2017 (O&M)**

Ram Sarup

..... Appellant

Versus

Mann Singh

..... Respondent

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

**\*\*\***

Present : Mr. Dhirinder Chopra, Advocate  
for the appellants.

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**AJAY TEWARI, J. (Oral)**

This order shall dispose of above mentioned three appeals.

All these three appeals are between the same parties and relate to the same property and though facts are slightly different these can be decided together.

The appellants had filed one civil suit claiming that they had become owners of the land in dispute because the respondents had not redeemed the same. They had filed another suit challenging an order passed by the Collector whereby redemption was allowed in favour of the respondents. The third suit was filed by the respondents for permanent injunction restraining the appellants from lifting earth from the land in dispute. The primary issue is whether the appellants became owners of the land by efflux of time. Both the Courts below have relied upon a judgment passed in ***Ram Kishan and others Vs. Sheo Ram and others 2008 (1) RCR 334***, where the Court has conclusively answered this question that whether right of a mortgager to redeem usufructuary mortgage can be extinguished with the efflux of time. It has been categorically observed in judgment supra that right of mortgager to redeem usufructuary mortgage can not be extinguished by efflux of time.

In the circumstances, the suit claiming declaration that the appellants had become the owners was dismissed; the suit challenging the order of redemption was dismissed; but the suit filed by the respondents for restraining the appellants from lifting the earth from the land in dispute was decreed.

Learned counsel is not in a position to argue how the Courts

consequences would follow. Consequently, I hold that all the three suites were rightly decided and dismiss the appeals.

Appeals stand dismissed.

Since the main cases have been decided, the pending civil miscellaneous applications, if any, also stand disposed of.

**( AJAY TEWARI )**  
**JUDGE**

**30.08.2018**

*Pooja sharma-I*

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No