

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

RSA No.2918 of 2016 (O&M)
Date of Decision.06.03.2019

Pehlad Singh

...Appellant

Vs

Ranjeet Singh

...Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. A.P. Bhandari, Advocate
for the appellant.

-:-

AMIT RAWAL J. (ORAL)

C.M. No.7875-C of 2016

For the reasons stated in the application, delay of 60 days
in re-filing of the appeal is condoned.

Application is allowed.

RSA No.2918 of 2016

The short point involved in the present appeal is whether
the appellant-plaintiff can be permitted to claim declaration being
owner in possession with consequential relief of injunction in respect
of the land measuring 4 kanals 13 marlas simply on the ground that
defendant had lost the right of redemption by lapse of period of
redemption and the suit would be maintainable, the answer is 'no', in
view of the law laid down by Hon'ble Supreme Court in **Singh Ram**
Vs. Sheo Ram 2014 (9) SCC 185.

Mr. Bhandari submits that the plaintiff is not in
possession as the property has been sold. This is all the more reason
that such a declaration cannot be granted, for, plaintiff admitted
himself to be mortgagee.

In view of such circumstances, I do not find any illegality and perversity in the concurrent finding rendered by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

March 06, 2019

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No