

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

**RSA No.4512 of 2016 (O&M)
Date of decision:03.04.2019**

Karey (since deceased) through LR's and others ... Appellants

Vs.

Sukhi Ram and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. R.S.Budhwar, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

C.M.No.11739-C of 2016

For the reasons stated in the application which is duly supported by an affidavit, delay of 133 days in re-filing the appeal is condoned.

C.M. stands allowed.

RSA No.4512 of 2016 (O&M)

The only argument raised by Mr.R.S.Budhwar, learned counsel representing the appellant-defendants is with regard to maintainability of the suit for redemption that Civil Court did not have the jurisdiction in view of the provision of Section 4 of Redemption of Mortgages (Punjab) Act, 1913.

I am afraid the aforementioned argument is not sustainable as provisions of the aforementioned Act do not contain non-obstante clause

barring the jurisdiction of the Civil Court. This view of mine has already been rendered by this Court in **RSA No.1911 of 2017 titled as Ram Saroop (deceased) through LRs and another vs. Badami and others, decided on 13.11.2018.**

No ground is made out for interference.

Resultantly, the regular second appeal is dismissed.

(AMIT RAWAL)
JUDGE

April 03, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No