

**C.M.No.3548-C of 2019 in/and
RSA No.5528 of 2017 (O&M)**

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

**C.M.No.3548-C of 2019 in/and
RSA No.5528 of 2017 (O&M)
Date of decision:02.04.2019**

Jagan and others

... Appellants

Vs.

Khajan Singh (deceased) through LR's and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr.Rajender Kumar, Advocate for
Mr. M.S.Tewatia, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

C.M.No.3548-C of 2019

For the reasons stated in the application which is duly supported by an affidavit, delay of 60 days in filing the restoration application is condoned.

C.M. stands allowed.

C.M.No.3551-C of 2019

For the reasons stated in the application which is duly supported by an affidavit, order dated 06.12.2018 vide which the appeal was dismissed in default, is recalled and the appeal is restored to its original number.

C.M. stands allowed.

RSA No.5528 of 2017 (O&M)

The only argument raised by learned counsel for the appellants is that suit for redemption of mortgage of 1988 was time barred. A specific query was raised by this Court as to whether there is any time line for fixing the mortgage, the answer was ' No'.

In view of the law laid down by the Hon'ble Supreme Court in Hon'ble Supreme Court in **Singh Ram (D) through LRs Vs. Sheo Ram and others 2014 AIR SC 3447**, there is no limitation prescribed to file the suit for redemption.

The appeal is also accompanied by the applications seeking condonation of delay of 244 days in re-filing as well as 46 days in filing the appeal. The explanation given in the applications is bereft of the reasoning.

The findings of fact and law cannot be said to be suffering from illegality and perversity. No ground is made out for interference.

Resultantly, the regular second appeal is dismissed on merits as well as on limitation. Consequently, the application for deleting the name of respondent no.13 has been rendered infructuous.

April 02, 2019

savita

(AMIT RAWAL)
JUDGE

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