

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RA-RS-15-C-2014 in
RSA No.287 of 1986

Date of decision: 23.01.2019

Ranjit Singh

..... Appellant

Versus

M/s Babu Ram Ashok Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Naresh Parbhakar, Advocate
for the appellant.

Mr. Vijay Sharma, Advocate
for the applicant-respondent.

ANIL KSHETARPAL, J. (ORAL)

Arguments have been heard at length. Learned counsel for the respondent-reviewer has drawn attention of the Court to Para 5 of the judgment passed on 28.11.2013. The relevant findings of the Court are extracted as under:-

“The adjustment, therefore, that a plaintiff could compel through Section 13 shall be only in relation to the mortgage in respect of the property sought to be conveyed and not with reference to any other mortgage. I have already pointed out that there were three mortgages on different dates and the mortgage was not with reference to the suit property only but they were with reference to other properties as well.”

Learned counsel contends that the appeal was decided after noticing a factually incorrect fact.

Learned counsel for the respondent, on the other hand, submits that what was meant by the Court was that three mortgages are of the property agreed to be sold. In the considered view of this Court, the portion which has been extracted above is not very clear, however, on reading of later part of the judgment, the Court proceeded with an assumption that the properties which were subject matter of mortgage were different than the property agreed to be sold.

Keeping in view the aforesaid fact, the application for review is allowed. The appeal be listed for final disposal in urgent on 01.02.2019.

23.01.2019
Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No