

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

RSA No. 3881 of 2018 (O&M)

Date of decision: 25.02.2020.

K.K. Gupta

..... Appellant.

Versus

Sushil Kumar and others

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. S.S. Dinarpur, Advocate, for the appellant.

ANUPINDER SINGH GREWAL, J. (ORAL)

The appellant/plaintiff has challenged the judgments and decrees of the Courts below whereby his suit for declaration has been dismissed.

Learned counsel for the appellant/plaintiff contends that the judgments and decrees of the Courts below are unsustainable in law and the same deserve to be set aside.

Heard.

The appellant/plaintiff had filed a suit for declaration that he and respondents/defendants No. 7 to 11 had become owners of the suit property which had been mortgaged to their predecessors-in-interest in the year 1929, as it was not redeemed by the mortgagor within 30 years.

The Courts below have dismissed the suit by holding that merely on expiry of period of 30 years the right of the mortgagor under Section 62 of the Transfer of Property Act, 1882 is not extinguished in view of the law laid down by a Full Bench of this Court in the case of Ram Kishan and others v.

Sheo Ram, 2008 (1) PLR 1, which had been upheld by the Supreme Court in the case of Singh Ram (dead) through LRs v. Sheo Ram and others, 2014 (4) RCR (Civil) 179. Learned counsel for the appellant is not in a position to dispute the aforementioned proposition of law laid down by the Supreme Court in Singh Ram's case (supra).

In view of the above, this appeal is devoid of any merit and the same stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

25.02.2020
Ramesh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No