

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

RSA-1048-2021 (O&M)
Date of decision: 01.11.2021

Rameshwar and others

....Appellants

Versus

Satpal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Sudhir Aggarwal, Advocate for the appellants

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

CM-4722-C-2021

Allowed as prayed for, subject to all just exceptions. L.Rs of deceased appellant No.2(i)-Ramphool, as mentioned in para 2 of the application, are permitted to be brought on record, for the purpose of prosecuting the present appeal.

Amended memo of parties is taken on record.

Main case

The plaintiffs have filed this Regular Second Appeal against the concurrent findings of fact arrived at by the courts below. The defendant-Satpal filed an application with a prayer to redeem the mortgaged land. Learned Collector, after appreciating the facts, allowed the application for permission to redeem the mortgaged land. The plaintiffs assailed the correctness of the order passed by the Collector by filing the present suit. The plaintiffs claim that they are legal heirs of

Late Sh. Layaku, the original mortgagor. Both the courts on appreciation of the evidence have found out that the plaintiffs failed to produce evidence to prove their connection with late Sh Layaku. Furthermore, the courts have found out that the plaintiffs are recorded to be in possession of the property as mortgagee. It is also not in dispute that Sh.Satpal filed an application for redemption against the plaintiffs, which was allowed. The plaintiffs have produced a pedigree table derived from the revenue record, however, the same has not been proved. Both the courts have found out that the plaintiffs are grandsons of Jhabbar, Jawahara and Kurra.

Learned counsel representing the appellants, although, made sincere efforts, however, failed to draw the attention of the Court to any substantive error or misreading or non-reading of the evidence.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

01.11.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE