

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

RSA-6159-2014 (O&M)

Date of decision: 22.09.2022

Sardool Singh and others

....Appellants

Versus

Jagtar Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Brjesh Nandan, Advocate for the appellants
 Mr. Parambir Singh (Sunny), Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

While assailing the concurrent findings of facts, arrived at by the courts below, the defendants have filed the present appeal. The plaintiff's suit for grant of decree of declaration to the effect that he is an owner in possession of 9 kanals and 4 marlas of land, by efflux of time, as the defendants have failed to redeem the mortgage, has been decreed. The registered deed of mortgage executed on 06.03.1962, is not disputed between the parties. It has also come on record that an application filed by Sh.Sardool Singh, for redemption of the mortgage, before the court of Collector, under Section 4 of the Punjab Redemption of Mortgage Act, 1913, was dismissed on 16.12.2005. As per the registered deed of mortgage, the defendants undertook to redeem the mortgage after a period of 5 years, when the agricultural crop has been harvested. The case of the plaintiff is that after a period of 5 years, the limitation for redemption began to run and it elapsed on 06.03.1967. Both the courts have decreed the suit in view of the aforesaid facts.

Heard the learned counsel representing the parties at length

and with their able assistance perused the judgments passed by the courts below as well as the record which was requisitioned.

Learned counsel representing the appellants contends that the mortgage was redeemed, on the payment of the mortgage amount, therefore, the findings of the courts below are erroneous. He has referred to the statement of the plaintiff, who appeared as PW1. The deposition of PW1 has been read over in the open Court. Sh.Jagtar Singh, plaintiff no.1 does not admit the receipt of the amount of mortgage.

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.

22.09.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE