

116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-1369-2011 (O&M)

Date of decision: 25.08.2023

Smt. Nimbo and others

..Appellants

Versus

Bhim Singh and others

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sunil Pawar, Advocate for appellants no. 11 to 13

Mr. Sudhanshu Makkar, Advocate for respondent no.7

ANIL KSHETARPAL, J (Oral)

1. The correctness of the concurrent findings of fact arrived at by the courts below is challenged by the plaintiffs in this Regular Second Appeal. Both the courts while relying upon a judgment passed by the Full Bench in **Ram Kishan and others vs. Sheo Ram and others 2008 (1) RCR (Civil) 334** has held that period of limitation for redemption in usufructuary mortgage does not start from the date of the mortgage. This view has been upheld by the larger Bench of the Supreme Court in **Singh Ram (deceased) through LRs vs. Sheo Ram and others 2014 AIR SC 344**. In this case, the plaintiffs filed a suit for grant of decree of declaration that they have become the owner of the property as the period for redemption i.e 60 years has come to an end. However, as already noticed, in a usufructuary mortgage the period of limitation cannot be counted from the date of mortgage.

2. In view of the aforesaid facts, no ground to interfere is made out.

- 3. Hence, dismissed.
- 4. All the pending miscellaneous applications, if any, are also disposed of.

25.08.2023
rekha

(ANIL KSHETARPAL)
JUDGE

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