



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

RSA-1381-2022 (O&M)

Date of decision: 13.01.2025

Subhan Khan

....Appellant

Versus

Mehmood and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Anupal Singh Tanwar, Advocate
for Mr. Virender Rana, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

This appeal has been filed alongwith an application for condonation of delay of 5942 days in filing the appeal. The appellant claims that he was not aware of the remedy of filing a second appeal. The appellant was represented by a counsel in the trial court as well as in the First Appellate Court. Hence, the appellant has failed to make out a case for condoning the delay of more than 17 years. This Court has also heard the learned counsel representing the appellant on merits. In this case, the appellant claims to be a mortgagor of the property for which mutation was sanctioned on 01.07.1907. The appellant filed an application for redemption of the mortgage under Redemption of Mortgage Act, 1913 which was admittedly dismissed. The appellant had remedy of challenging the aforesaid judgment in the civil court. However, he never challenged the same. Now the respondents filed a suit that they are owners of the property. Both the courts decreed the plaintiff's suit. Once the appellant's application for redemption of the mortgage has been dismissed by the competent court,



it has become final. The appellant is left with no right, title or interest in the property. Hence, no ground to interfere is made out.

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

13.01.2025

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE