

Mohan Lal Vs. Mohan Lal and Ors

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Court : Supreme Court of India

Decided On : Jan-29-2016

Judge : Kurian Joseph and Rohinton Fali Nariman

Appellant : Mohan Lal

Respondent : Mohan Lal and Ors

Judgement :

NON-REPORTABLE IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION CIVIL APPEAL NOS. 788-789 OF2016(Arising out of SLP (C) Nos. 31469-31470 of 2014) MOHAN LAL APPELLANT VERSUS MOHAN LAL & ORS RESPONDENTS

JUDGMENT

KURIAN,J.

1. Leave granted.

2. The appellant is aggrieved by the impugned orders dated 25.07.2013 and 18.12.2013 passed by the High Court of Judicature for Rajasthan at Jodhpur. The application filed by the respondent under Order VII, Rule 11 (d) CPC in Suit No.219/2004 on the file of Civil Judge, Junior Division, Jodhpur was allowed.

3. On the question of limitation on redemption of usufructuary mortgage, the High Court has placed reliance on Sampuran Singh & Others Vs. Niranjani Kaur & Others reported in (1999) 2 SCC679 and Prabhakaran & Others Vs. M. Azhagiri Pillai reported in (2006) 4 SCC484. The position taken by the High Court in those decisions has been held to be no more good law in Singh Ram Vs. Sheo Ram and Others reported in (2014) 9 SCC185 wherein it has been held that the starting point of limitation for redemption of usufructuary mortgage should run from the date the mortgage money is paid or is otherwise satisfied.

4. In that view of the matter, the impugned judgments of the High Court are set aside. The matters are remitted to the Trial Court. The suit shall be tried on all issues raised for trial. Being a suit of the year 2004, we request the Trial Court to dispose of the suit within six months from the date of next appearance of the parties. The parties shall appear before the Trial Court on 4th April, 2016.

5. The appeals are allowed as above with no order as to costs.J.

[KURIAN JOSEPH].J.

[ROHINTON FALI NARIMAN NEW DELHI; JANUARY 29 2016]

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