

nNON-REPORTABLE
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NOS. 788-789 OF 2016
(Arising out of SLP (C) Nos. 31469-31470 of 2014)
MOHAN LAL APPELLANT

VERSUS

MOHAN LAL & ORS RESPONDENTS
J U D G M E N T
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. Niranjana Kaur & Others reported in (1999) 2 SCC 679 and Prabhakaran & Others Vs. M. Azhagiri Pillai reported in (2006) 4 SCC 484. 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 SCC 185 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 4 th 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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ITEM NO.49 COURT NO.12 SECTION XV
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petitions for Special Leave to Appeal (C) Nos. 31469-31470/2014
(Arising out of impugned final judgment and order dated 25/07/2013
in SBCRL No. 514/2005 18/12/2013 in SBCRP No. 22/2013 passed by the
High Court of Rajasthan at Jodhpur)

MOHAN LAL Petitioner(s)

VERSUS

MOHAN LAL & ORS Respondent(s)
(with office report)

Date : 29/01/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Ms. Aishwarya Bhati, Adv.

Mr. Suraj Raj, Adv.

Ms. Anshul Sharma, Adv.

Mr. T. Gopal, Adv.

Gp. Capt. Karan Singh Bhati, Adv.

For Respondent(s) Mr. M.R.Calla, Sr. Adv.

Mr. Uday Gupta, Adv.
Ms. Shivani M. Lal, Adv.
Mr. M.K. Tripathi, Adv.
Ms. Pratiksha Sharma, Adv.
Ms. Ankit Achariya, Adv.
Mr. Gaurav Dave, Adv.

Mr. Mohan Pandey, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeals are allowed in terms of signed non-reportable Judgment.

All pending application(s) shall stand disposed of.

(Rajni Mukhi) (Renu Diwan)

Sr. P.A. Court Master

(Signed non-reportable Judgment is placed on the file)