

SUPREME COURT OF INDIA

Radha Raman Tiwary

Vs.

Rama Kantpati Tiwary

(S. Saghir Ahmad and Doraiswamy Rajuu Raju JJ.)

08.03.2000

ORDER

The Text below is only a summarized version of the order pronounced

The appellant has filed an application under section 12 of the Bihar Money Lenders Act 1974 for possession on the property, which was mortgaged by his predecessor-in-interest for a period of nine years. When the period of limitation is shorter than the period of limitation prescribed in the old Act then the suit could be instituted within a period of seven years next after the commencement of the new Act when the Bihar Money Lenders Act 1974 Act came into force there was no subsisting mortgage which could have been treated as redeemed under section 12 nor any application could be filed for recovery of possession, consequently the appeal is dismissed.