

SUPREME COURT OF INDIA

Mohan Lal

Vs.

Mohan Lal & Ors.

C.A.No.788-789 of 2016

(Kurian Joseph and R.F.Nariman,JJ.)

29.01.2016

JUDGMENT

Kurian Joseph,J.

(Arising out of SLP (C) Nos. 31469-31470 of 2014)

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. m On the question of limitation on redemption of usufructuary mortgage, the High Court has placed reliance on *Sampuran Singh & Others Vs. Niranjan Kaur & Others reported in¹* and *Prabhakaran & Others Vs. M. Azhagiri Pillai reported in²*. 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 in³* 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.

Judgment Referred.

¹(1999) 2 SCC 0679
²(2006) 4 SCC 0484
³(2014) 9 SCC 0185