

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1541 OF 2011

RAM RATTAN (DEAD) BY LRS.

Appellant(s)

VERSUS

DEVI RAM & ORS.

Respondent(s)

O R D E R

Office Report dated 25.09.2021 shows that since the erstwhile counsel appearing for the appellants has been designated as Senior Advocate, notice of alternative arrangement was issued to all the appellants. It is reported that notices have been delivered to the appellants, but no one has entered appearance on their behalf.

Hence, service is treated as complete in the matter.

The plaintiff is in appeal before this Court. The plaintiff is the Mortgagee under Ram Lal, Mortgagor. The grievance of the appellants is that the Mortgage was 45 years before filing of the suit, therefore, they have become owners of the suit property. The Full Bench of Punjab and Haryana High Court, in "Ram Kishan & Ors. Vs. Sheo Ram & Ors.", has held that there is no limitation period in case of usufructuary mortgage. "*Once a mortgage always a mortgage*" was the principle applied. The said

Judgment has been upheld by this Court in "Singh Ram (D) Through LRS Vs. Sheo Ram & Ors." reported in (2014) 9 SCC 185.

In fact, there is a reference to the Special Leave Petition filed against the decision of Full Bench. It is the same Special Leave Petition which has been decided in Singh Ram (D) (Supra).

In view of above, the civil appeal is dismissed.

Pending interlocutory application(s), if any, is/are disposed of.

.....J.
[HEMANT GUPTA]

.....J.
[V. RAMASUBRAMANIAN]

New Delhi;
OCTOBER 07, 2021.

ITEM NO.106

COURT NO.11

SECTION IV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 1541/2011

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Date : 07-10-2021 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Appellant(s)

For Respondent(s) Mr. Atul Sharma, AOR

UPON hearing the counsel the Court made the following
O R D E R

The Civil Appeal is dismissed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed
of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU BALA GAMBHIR)
COURT MASTER

(Signed order is placed on the file)