

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).354 OF 2007

BONNIE FACE

APPELLANT(S)

VERSUS

LILLY @ JANNET & ORS.

RESPONDENT(S)

O R D E R

1. We have heard the learned counsels for the parties and perused the relevant material.

2. The issue of limitation on which the arguments in the appeal are primarily centered was answered by the first appellate Court in an earlier round of proceeding in favour of the plaintiff and against the defendant. Thereafter, the matter was remanded for adjudication on merits by the learned trial Court.

3. The issue with regard to limitation must be understood to have attained finality as in the subsequent proceedings the said issue was not raised.

4. In any event, even if we are to consider the plea of limitation, we find that the right of redemption of the mortgage accrued in favour of the plaintiff in the year 1969 when part payment was appropriated towards payment of the mortgage debt. The suit was filed in the year 1981 and therefore within the period of limitation. Hence, we find no basis to entertain this appeal any further. Appeal, consequently, is dismissed.

5. However, six months' time is granted to the appellant-defendant to vacate the premises on furnishing the usual undertaking before this Court within two weeks from today.

.....,J.
(RANJAN GOGOI)

.....,J.
(N.V. RAMANA)

NEW DELHI
NOVEMBER 24, 2016

ITEM NO.101 (PH)

COURT NO.5

SECTION XIA

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). 354/2007

BONNIE FACE

Appellant(s)

VERSUS

LILLY @ JANNET & ORS.

Respondent(s)

Date : 24/11/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE N.V. RAMANA

For Appellant(s) Mr. M. T. George, Adv.

For Respondent(s) Mr. V. Giri, Sr. Adv.
Mr. Gautam Narayan, Adv.
Mr. Alias, Adv.
Ms. Shruthi Parasa, Adv.

Mr. A. V. Rangam, Adv.
Mr. Buddy A. Ranganadhan, Adv.
Mr. D.V. Raghuvamsy, Adv.

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

Heard the learned counsels for the parties
and perused the relevant material.

The appeal is dismissed in terms of the
signed order.

Pending application(s), if any, stand
disposed of.

(Neetu Khajuria)
Court Master

(Asha Soni)
Court Master

(Signed order is placed on the file.)