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C.A.No. 3787 OF 2003
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3787 OF 2003

GOPI... APPELLANT
VERSUS

KRISHAN CHAND & ORS.... RESPONDENTS

O R D E R

The defendant was unsuccessful before the First Appellate Court as well as the High Court in the second appeal questioning the validity and correctness of the impugned judgment. The plaintiff filed a suit for redemption of mortgage and for possession of the property in question. The trial court dismissed the suit. In the first appeal, after examining the pleadings of the parties and on reappraisal of evidence placed on record, the First Appellate Court, dealing with every one of the contentions raised by the defendant, concluded that the plaintiff had established the case for redemption of mortgage and consequently for possession of the land. The High Court, in the second appeal filed by ..2/-

.2.

the defendant, did not find any good ground or valid reason to take a contrary view and in that view, affirmed the judgment of the First Appellate Court. Before us, the learned counsel for the appellant contended that the First Appellate Court as well as the High Court committed error in not accepting the plea that the Civil Court had no jurisdiction, the suit was barred by time and that the appellant had become owner of the land as he was a tenant earlier. On the other hand, the learned counsel for the respondents made submissions in support of the impugned judgment. According to him, no fault can be found with the impugned judgment. Having perused the judgment of the First Appellate Court, we are satisfied that both on the question of law and facts, the conclusions arrived at are proper and correct. The First Appellate Court, having considered both oral and documentary evidence, recorded the finding that the suit land was mortgaged to the appellant. The High Court, again in the impugned judgment, has dealt with every one of the contentions raised by the appellant ..3/-

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in regard to the jurisdiction, limitation and as to the status of the appellant in relation to the land and rightly affirmed the judgment of the First Appellate Court. In this view, we dismiss the appeal finding no merit in it, but, with no order as to costs.

.....J.
[SHIVARAJ V. PATIL]

New Delhi,
August 26, 2004.
ITEM NO.105

.....J.
[B.N. SRIKRISHNA]

COURT NO.6

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 3787 OF 2003

GOIAPPELLANT (S)

VERSUS

KRISHAN CHAND & ORS.RESPONDENT(S)
(With prayer for interim relief and office report)

Date: 26/08/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant(s)
Mr. E.C. Agrawala,Adv.

For Respondent(s)Mr. S.M. Sarin, Adv.
Mr. P.N. Puri,Adv.

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

Heard learned counsel for the parties for 10 minutes.
The appeal is dismissed with no order as to costs in terms of the signed order.

Sarita (Shelly Sengupta)
Court Master

(Signed order is placed on the file)