

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 06TH DAY OF DECEMBER 2017

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

A.No.8093 of 2017
in
C.S.No.364 of 2012

Mr.B.Shantilal Choudhary,
S/o.Mr.Bhairon Singh Choudhary,
residing at Old No.39,
New No.21, General Muthiah Street,
Sowcarpet, Chennai- 600 079 ...Applicant/Plaintiff
Vs

Mrs.D.Geetha,
W/o.Mr.Somesehara Reddy,
No.3/5, Ramachandra Road,
T.Nagar,
Chennai- 600 017 ...Respondent/defendant

A.No.8093 OF 2017:

Mrs.D.Geetha
W/o.Somasehara Reddy,
No.3/5, Ramachandra Road,
T.Nagar,
Chennai- 600 017
(Presently Residing at
19/1 & 8, Crescent Park Street,
II Floor, T.Nagar,
Chennai- 600017) ..Applicant
vs

B.Shantilal Chowdry,
S/o.Bhairon Singh Choudhary,
39/21, Genearl Muthiah Street,
Sowcarpet,
Chennai- 600079 ..Respondent

Application praying that this Hon'ble Court be
pleased to frame the following additional issues:

i)Whether the defendant approached the plaintiff for
loan by mortgaging the suit property or the defendant
wanted to sell the suit property to the plaintiff and
received advance amount and executed sale agreement dated
2.11.2010?

ii) Whether the sale agreement dated 02.11.2010 is a sham and nominal document as the plaintiff used undue influence on the defendant to execute the same instead of mortgage deed.

This application coming on this day before this court for hearing the court made the following order:

This application has been filed seeking to frame an additional issue on the nature of the agreement based on the contention of the defendant that it was a loan transaction. Considering the claim of the defendant in the written statement, the following issue is framed as an additional issue.

"Whether the claim of the defendant that the suit sale agreement was not intended to be an agreement and it was executed as security for a loan transaction is true"?

Sd/.R.S.M.J.
06.12.2017

//Certified to be a true copy//

Dated this the day of 2017.

DL/06.12.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.