

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 25TH DAY OF JULY 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

A. No.6617 AND 6618 of 2018
in

C.S.Diary No.13497 OF 2018

C.S.Diary No.13497 of 2018:

D.Sampath
S/o.Dhanakotti,
New No.6, Old No.8,
Pillayar Koil 2nd Street,
Ekkattuthangal,
Chennai-600 032. ... Plaintiff

-Vs-

Mrs.Govindammal,
W/o.V.Thangavel,
No.5/296,Perumal Koil Street,
Athananchery Village,
Padapai, Kancheepuram District ...Defendant

A.No.6617 and 6618 of 2018:

D.Sampath
S/o.Dhanakotti,
New No.6, Old No.8,
Pillayar Koil 2nd Street,
Ekkattuthangal,
Chennai-600 032. ... Applicant/Plaintiff in
C.A.Nos.6617 and 6618/2018

-Vs-

Mrs.Govindammal,
W/o.V.Thangavel,
No.5/296,Perumal Koil Street,
Athananchery Village,
Padapai, Kancheepuram District ...Respondent/Defendant in
C.A.Nos.6617 and 6618/2018

A.NO.6617 OF 2018:

Application praying that this Hon'ble Court be to
grant leave to file the suit before the Original

Jurisdiction of this Hon'ble High Court.

<https://hcservices.ecourts.gov.in/hcservices/>

A.NO.6618 OF 2018:

Application praying that this Hon'ble Court be to dispense with the production of the certified copy of the encumbrance certificate related the mortgaged property.

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

These Applications have been filed seeking leave to institute a suit in this court and to dispense with production of certified copy of the Encumbrance Certificate relating to the mortgaged property.

2. Despite service and the counsel having entered appearance even in February 2019, no counter has been filed. Since it was represented on 12.07.2019 that the papers were not served on the counsel for the respondent, the counsel for the applicant was directed to serve papers. The papers have also been served on the counsel on 17.07.2019. Affidavit of service evidencing such service has been filed. Despite the same no counter has been filed till date.

3. The suit is one on a mortgage. The property mortgaged is situate outside the jurisdiction of this court. However, the memorandum of deposit of title deeds dated 04.10.2012 has been executed at Chennai.

4. A Division Bench of this Court in **Central Bank of India Vs. Joseph and 20 others** reported in **1997 (2) CTC**

has held that a suit on mortgage is not a suit on land. Therefore, leave can be granted under Clause 12 of

the Letters Patent if part of the cause of action has arisen within the jurisdiction of this Court.

5. In view of the same, the Application seeking leave to institute a suit in this Court is **allowed**. The downloaded copy of the Encumbrance Certificate has also been produced. Hence, Application No.6618 of 2019 is allowed and the necessity of filing the certified copy is dispensed with.

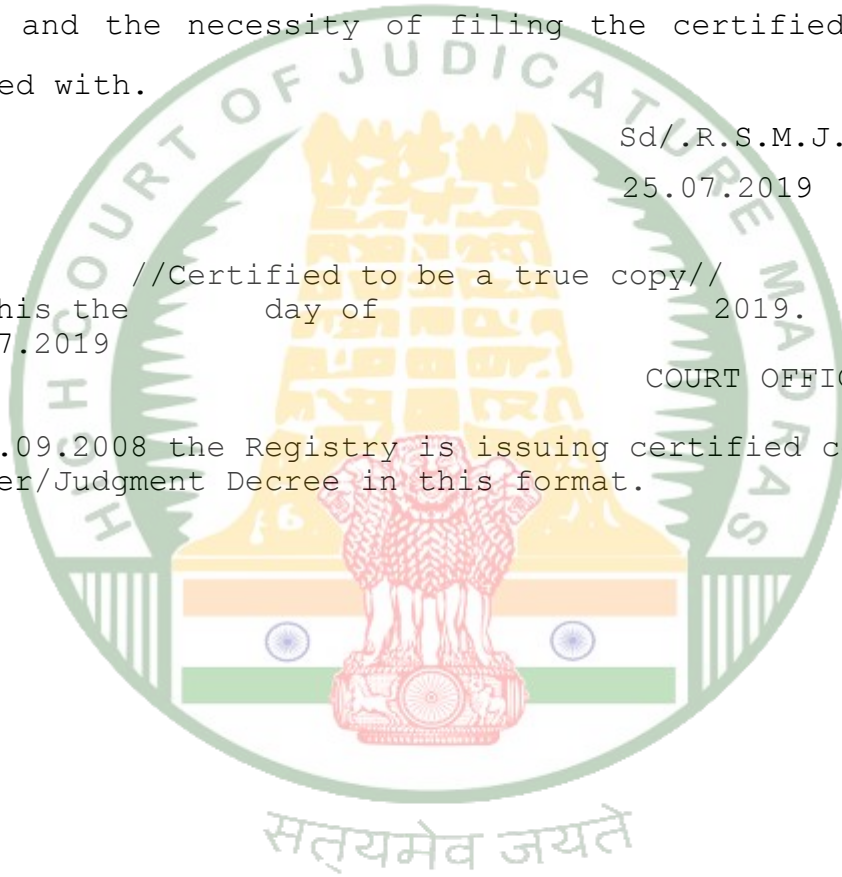
Sd/.R.S.M.J.

25.07.2019

//Certified to be a true copy//
Dated this the day of 2019.
SU/25.07.2019

COURT OFFICER

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



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