

A.No.6286 of 2019

KRISHNAN RAMASAMY, J

This application has been filed to grant leave to the plaintiff to file a suit against the defendants.

2. The learned counsel appearing for the applicant/plaintiff submits that one Gunasekaran (deceased) had borrowed money from the plaintiff under First Simple Mortgage on 11.09.2017 at the office of the plaintiff and thereafter got the said mortgage deed registered as Document No.9893 of 2017 in SRO, Selaiyur. The plaintiff, being a financier, advanced money to late Gunasekaran and thereafter, the said Gunasekaran having made part payment of Rs.36,25,000/- along with interest as detailed in paragraph 7 of the application and passed away leaving behind the respondents 1 to 3 as his legal heirs. Thereafter, the defendants have paid a sum of Rs.11,57,000/- as stated in paragraph 9 of the affidavit.

3. He further submits that the first defendant as guarantor and legal heir of the deceased K.Gunasekaran, from and out of the estate of the deceased K.Gunasekaran and the defendants 2 and 3 as Legal Heirs of the deceased K.Gunasekaran and the fourth defendant as Guarantor, are liable to pay the amount borrowed by the said late Gunasekaran.

4. The learned counsel further submits that cause of action for the borrowal of money and the execution of the First Simple Mortgage arose at Chennai. Hence, the plaintiff has preferred the present suit before this Court.

5. Heard the learned counsel appearing for the applicant/plaintiff and perused the pleadings.

6. Considering the submission made by the learned counsel for the applicant/plaintiff and being satisfied with the reasons stated in the affidavit filed in support of the application, this application is allowed and the applicant is permitted to file the suit against the defendants 1 to 4.

7. The learned counsel for the applicant/plaintiff submits that at the time of registration of the Mortgage Deed, Annexure-II mentioned in the Mortgage deed was removed at the instruction of the Sub-Registrar. Since the Annexure-II contains the names of the 46 persons, who advanced/lent money on the instruction of the plaintiff and the document was acknowledged by the deceased Gunasekaran, the learned counsel submits that the said document is important document and by oversight, they failed to file the same along with the plaint document.

8. Considering the above submission, the applicant/plaintiff is permitted to file the document (Annexure-II) along with the plaint.

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28.08.2019

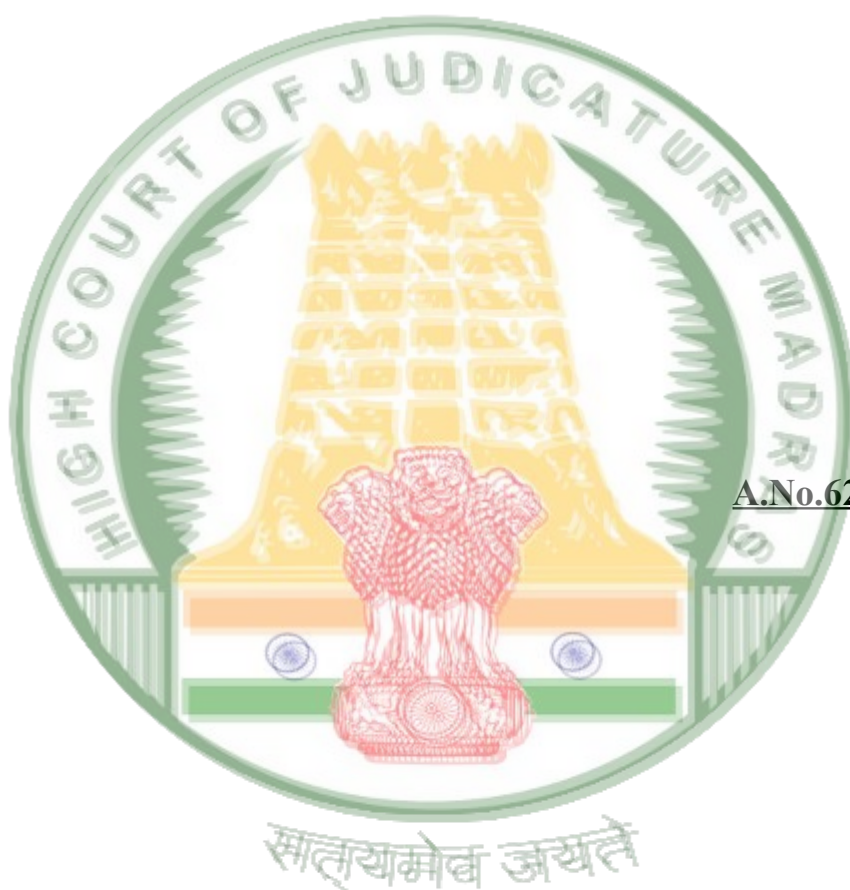
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