



Comp.A.No.137 of 2023

Comp.A.No.137 of 2023
in C.P.No.156 of 2005

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KRISHNAN RAMASAMY, J.

This application is filed to direct the learned Official Liquidator to execute necessary discharge receipt in respect of the mortgage dated 30.07.1981 registered as Document No.1029 of 1981 SRO Periamet over the property bearing No.12/41, Mandampam Road, Kilapuk Garden, Chennai 600 010.

2. When this matter came up for hearing on 02.06.2023, a submission was made on behalf of the applicants that the original mortgage deed dated 30.07.1981, which was cancelled by the company in liquidation, is with the applicants and further they sought time to produce the same before this Court.

3. However, today, the learned counsel for the applicants would submit that he had wrongly made the above submission and the said original mortgage deed is available only with the learned Official Liquidator.



4. The learned Official Liquidator would submit that he had traced out the said document and produced the same before this Court.

5. Upon perusal of the said document, it is clear that the original mortgage deed was cancelled by the company in liquidation as early as on 17.08.1987 itself. Therefore, it is the duty of the said company to file appropriate discharge receipt immediately upon cancellation of the original mortgage deed. However, since they have not filed any such discharge receipt, it appears that still there is an entry in the Sub-Registrar Office, Periamet over the subject property. Therefore, the present application came to be filed.

6. In view of the submission and cancellation of the original mortgage deed and also in view of the fact that the company in liquidation had not taken any steps to file appropriate discharge receipt to cancel the entry with regard to the subject property on the file of the Sub-Registrar Office, Periamet, this Court directs the learned Official Liquidator to execute necessary discharge receipt forthwith in respect of the mortgage dated



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30.07.1981 registered as Document No.1029 of 1981 before the Sub-Registrar Office, Periamet over the property bearing No.12/41, Mandampam Road, Kilapuk Garden, Chennai 600 010.

7. Accordingly, this application is ordered as prayed for.

16.06.2023

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