



C.R.P.No.1662 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.1662 of 2020

Anjalai

.. Petitioner

VS

Rajaganapathy

.. Respondent

Petition filed under Article 227 of The Constitution of India against the order dated 18.03.2020 in I.A. No.495 of 2013 in O.P.No.2 of 2010 on the file of the Principal District Munsif at Puducherry.

For Petitioner : Ms.L.Lakshmi Swaroopa

For Respondent : Ms.R.Preetha
for Mr.P.R.Thiruneelakandan

ORDER

This civil revision petition arises against the proceedings initiated under Section 83 of the Transfer of Property Act. It is the case of the petitioner that she had mortgaged the property in favour of the respondent for a sum of Rs.75,000/-. The petitioner also agreed to pay interest at the rate of 12% per annum given on the said sum of Rs.75,000/-. She further pleaded that she



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attempted to pay the amount but the respondent refused to accede to her request and therefore she was constrained to file O.P.No.2 of 2010. The said OP was taken up for disposal and as the petitioner was not willing to proceed with the same, the OP was dismissed for default on 23.09.2010.

2. To restore the OP, which has been dismissed for default, an application was filed in IA.No.495 of 2013. This application was contested by the respondent. After hearing both sides, the Court came to a conclusion that the reasons stated in the affidavit are not sufficient and, therefore, dismissed the application filed to condone the delay. Against the dismissal of the application filed to condone the delay in IA No.495 of 2013 in OP No.2 of 2010 on the file of the learned Principal District Munsif, Puducherry, this present civil revision petition is filed before this Court.

3. At the time when the revision was being argued, I pointed out to Ms.L.Lakshmi Swaroopa, that the original proceedings is under Section 83 of the Transfer of Property Act and that it is the duty of the mortgagor to pay the amount immediately on filing of such application and it is only a summary proceeding. I



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further pointed out to her that the principal amount and the interest having been admitted, there is no question of prolongation of the period for payment.

4. Ms.Preetha, learned counsel, representing Mr.P.R.Thiruneelakandan submitted that her client will return the document to the petitioner in case the entire amount is discharged. Therefore, it only leaves out the calculation of the amount that has to be paid by the mortgagor to the mortgagee. The amount of Rs.75,000/- and the interest component on the said amount comes to Rs.1,41,000/-. In all, the civil revision petitioner has to pay the respondent a sum of Rs.2,16,000/-. I directed the civil revision petitioner to file an affidavit of undertaking stipulating the date by which the said amount will be paid.

5. Today, Ms.L.Lakshmi Swaroopa has filed an affidavit by the civil revision petitioner / Anjalai. Paragraph 2 of the affidavit reads as follows:-

'2. I hereby undertake to pay a sum of Rs.2,16,000/- in full satisfaction to the respondent, in the mode stipulated by this Hon'ble Court, within a period of one month as directed by this Court.'



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6. The undertaking being unconditional, I hereby direct the civil revision petitioner to pay the sum of Rs.2,16,000/- to the respondent on or before 31.10.2023 through DD/Cheque/NEFT/RTGS. On such payment, the respondent shall return the document on the basis of which mortgage had been created. It is made clear that on receipt of Rs.2,16,000/- by the petitioner to the respondent, no further amount is due under the mortgage on the basis of which O.P.No.2 of 2010 had been initiated.

7. With the above directions, this civil revision petition stands disposed of. No costs.

8. List under the caption 'for reporting compliance' on 01.11.2023.

22.09.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

The Principal District Munsif, Puducherry.



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V. LAKSHMINARAYANAN,J.

ssm

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