



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

Comp.A.No.131 of 2025

in C.P.No.156 of 2005

S.Varalakshmi

W/o.P.Sekar, No.10, Madurai Street, Choolai, Chennai-600112.

.. Applicant

vs.

1. The Official Liquidator,
High Court, Madras,
As the Provisional Liquidator of Muthialpet Benefit Fund Limited,
Corporate Bhavan,
No.29, Rajaji Salai, Chennai-600001.

2. The Sub-Registrar,
Sembium Registrar Office,
No.5, Paper Mills Road, Sembium,
Chennai-600011.

.. Respondents

Prayer : Company Application is filed under Order XIV Rule 8 of the Original Side Rules Read With Sections 9 & 11(b) of the Companies Court Rules, to pass an order to issue a direction to the respondent to execute the cancellation mortgage receipt before the SRO, Sembium in favour of the applicant.

For Applicant : Mr.R.R.Mohanaraja

For R1 : Ms.B.Ambili, Deputy Official Liquidator



ORDER

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By this application, the applicant seeks a direction to the Official Liquidator to execute a cancellation receipt in respect of the mortgage created by the applicant as security for a loan availed of from the company in liquidation.

2. In the affidavit in support of the application, it is stated that Sri. B.Madhanagopal @ B.M.Gopal had mortgaged the property, being land measuring 4661 sq.ft. in market street, old S.Nos.41/1, 42/2, Block no.5, T.S.No.3, Old No.41, New No.33, Siruvallur village, Ayanavaram Taluk, Chennai District. Such mortgage was created as security for a loan of Rs.40,000/-. The applicant states that the loan was discharged along with interest thereon prior to the commencement of winding up. Since the cancellation of mortgage receipt had not been executed, it is stated that the present application was filed.

3. In response, the Official Liquidator has filed report dated 23.07.2025. At paragraph 6 of the report, the Official Liquidator has stated that the mortgage deed dated 15.11.1980 contains an endorsement to the effect that the loan was fully discharged on 28.11.1987, as stated



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by the applicant. It is also stated that the ex-administrator of the company in liquidation had submitted Document Register No.7, wherein an endorsement had been made to the effect that the loan was fully discharged on 28.11.1987. Annexure B of the report is a document pertaining to the loan availed of by Sri.B.Madhanagopal @ B.M.Gopal and others. The Assistant Secretary of the company in liquidation has made an endorsement thereon that the loan was fully discharged on 28.11.1987. The said document also contains an endorsement made on behalf of the borrower B.M.Gopal that he had received the title documents listed therein upon discharge of the loan. In these circumstances, this application is liable to be allowed as prayed for.

4. Therefore, this application is allowed by directing the Official Liquidator to execute the necessary receipt before the SRO, Sembium in relation to the discharge of the mortgage.

25.07.2025

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SENTHILKUMAR RAMAMOORTHY,J.

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To

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