IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.3053 of 2025
and CMP.No.17327 of 2025

R.Sathya ... Petitioner

Vs.

1.M.Kavitha
2.Kavitha ... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 26.03.2025 passed in OP.No.41 of 2020 on the file of the learned IX Assistant City Civil Court, Chennai.

For Petitioner : Mr.T.Kumaravijayan

ORDER

Challenge has been made to the order passed by the Executing Court in dismissing the application filed under Sections 5 and 8 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 to adjust the sum of Rs.7,95,750/- from the actual principal loan amount of Rs.18,25,000/-which sum is excess interest paid over and above 9% p.a., simple interest and record part satisfaction of principal loan and to permit the petitioner to deposit the balance principal sum of Rs.9,29,250/- into this Court and record the full satisfaction of the mortgage loan dated 03.02.2014.

2. An Application has been taken out by the revision petitioner that the respondents have charged exorbitant rate of interest other than agreed rate of interest, therefore, sought to invoke the provisions under the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

3. Heard the learned counsel for the petitioner and perused the materials placed on record.

4. Since no adverse order is passed against the respondents, notice to them is dispensed with and considering the nature of revision filed before this Court, this Court is inclined to dispose of this revision in the admission stage itself.

5. At the outset, this Court is of the view that to invoke the provisions under Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, it has to be established that the person who has lent a money is a money lender. The very object of the Act is to prevent exorbitant interest from the money lenders and not for every transactions legally entered between the

parties. Admittedly, the revision petitioner has executed a registered mortgage deed agreeing to pay 18% interest; having entered a registered agreement and executed a mortgage deed, the terms agreed upon between the parties binds on the parties. The mortgage is governed by the provisions of the Transfer of Property Act, 1882.

6. Such being the position, as a matter of right, one cannot invoke the provisions of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003. Further to substantiate such stand that there was an exorbitant interest, no materials whatsoever is placed before this Court except the allegations. Hence, I do not find any merits in this revisions.

7. Accordingly, this revision stands dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition stands closed.

22.07.2025

dhk
Internet : Yes/No
Index : Yes/No

N. SATHISH KUMAR, J.

dhk

To

1.The IX Assistant Judge
City Civil Court, Chennai

2. The Section Officer,
VR Section,
High Court, Madras.

C.R.P.No.3053 of 2025

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