



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23.07.2025

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

A.No.1241 of 2025
in C.S.(Comm.Div)No.64 of 2025

M/s.Prem Hire Purchase Limited

Rep. by its Director / Authorised Secretary, Mr.Vishal Lodha aged 36 years,
Having its registered office at No-1, Managappan street, Sowcarpet,
Chennai-600 079.

2. M/s.Apna Finance (India) Limited,

Rep. by its Director / Authorised Secretary, Mr.Vishal Lodha aged 36 years,
Having its registered office at No-1, Managappan street, Sowcarpet,
Chennai-600 079.

... Applicants / Plaintiffs

-VS-

1. Jayashankar

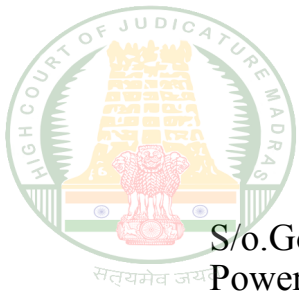
S/o.Murugesha Naicker,
No-21, Draupadi Amman Koil Street,
Velachery,
Chennai-42.

2.Mr.Venaktesan

S/o.Murugesha Naicker,
No-21, Draupadi Amman Koil Street,
Velachery, Chennai-42.

3. Mr.Kumar

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S/o.Govindasamy Naicker,
Power of Attorney Holder,
5/32, Gangaianman Koil Street,
Sengadu Gramam, Thiruporur, Chengalpattu Dist-603110.
Also at
No. 1 and 2, Prakasam Street,
MCN Nagar,Thuraipakkam, Chennai-97.

4. The Sub Registrar
Office of the Sub Registrar,
Thiruporur, 29, South Mada St,
Thiruporur-603110.

5. The Thashildar Thiruporur
Thiruporur Taluk Office,
Thiruporur, Near BDO office,
Chengalpattu Road, Chengalpattu Dist,
(presently Kancheepuram Dist)-603110. ... Respondents / Defendants

Prayer : Application is filed under Order XIV Rule 8 of O.S.Rules Read With Order II Rule 3 of CPC Read With Clause 14 of Letters of Patent, to accept the applicants/plaintiffs to unite in the same suit several cause of action against the same respondents/defendants in C.S.(Comm.Div)No.120814 of 2022.

For Applicants / Plaintiffs : Mr.S.R.Sundar

For R1 to R3/D1 to D3 : Mr.K.Ashok Kumar

ORDER



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The 1st plaintiff had extended a commercial loan of Rs.10 lakhs to the

1st and 2nd defendants represented by their agent, the 3rd defendant.

Similarly, the 2nd plaintiff had given a loan of Rs.5 lakhs to the 1st and 2nd defendants, represented by their agent, the 3rd defendant. Both these loans are secured by the mortgage of a property in S.No.1427, Thaiyur village, Thiruporur, Chengalpet owned jointly by the 1st and 2nd defendants.

2. The suit is framed as a mortgage suit for recovery of a sum of Rs.1,72,05,426/- from defendants 1 to 3 in relation to the loan availed of from the 1st plaintiff and for recovery of a sum of Rs.85,71,950/- from defendants 1 to 3 in relation to the loan availed of from the 2nd plaintiff. Since both the loans are secured by a common property owned by the 1st and 2nd defendants, by this application, the plaintiffs seek leave for joinder of causes of action.

3. Notice was issued in the application on 12.03.2025. Upon receipt of notice, Mr.K.Ashok Kumar, learned counsel, entered appearance on behalf of defendants 1 to 3 on 07.04.2025 and took time for filing a counter.



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In spite of providing multiple opportunities, defendants 1 to 3 failed to file a counter. Therefore, the matter is proceeded with in the absence of a counter.

4. Learned counsel for the applicants referred to the documents filed along with the plaint, particularly the letter dated 30.08.2010 evidencing the deposit of title deeds with intention to create a mortgage.

5. Learned counsel for defendants 1 to 3 submits that he intends to file documents and is not in a position to make submissions before filing such documents.

6. The documents filed by the applicants/plaintiffs along with the plaint indicate *prima facie* that loans were extended by each plaintiff to the 1st and 2nd defendants, represented by the 3rd defendant as their agent. As contended by learned counsel for the applicants, it also appears *prima facie* that an equitable mortgage was created in respect of a property jointly owned by the 1st and 2nd defendants as security for the loans extended by the



1st and 2nd plaintiffs. In these circumstances, a case is made out to grant leave for combining the causes of action against common defendants.

Therefore, this application is allowed as prayed for.

23.07.2025

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To

1. The Sub Registrar
Office of the Sub Registrar,
Thiruporur, 29, South Mada St,
Thiruporur-603110.

2. The Thashildar Thiruporur
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SENTHILKUMAR RAMAMOORTHY,J.

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