



C.R.P(MD)No.3186 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.11.2025**

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.3186 of 2025
and
C.M.P(MD)No.17644 of 2025

M.Mariammal

... Petitioner/Respondent/
Petitioner/Plaintiff

Vs.

Nagammal (Died)

1.A.Valli

2.A.Pathmanapan

3.A.Geetha

4.A.Meenakshi

5.A.Kamatchi

...Respondents/Petitioners/
Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and executable order passed by the I Additional Sub Court, Madurai in I.A.No.1 of 2025 in I.A.No.203 of 2023 in O.S.No.113 of 2011 on 25.08.2025 and allow this Civil Revision Petition.

For Petitioner : Mr.B.Babu



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ORDER

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The present civil revision petition has been filed to set aside the fair and executable order passed by the I Additional Sub Court, Madurai in I.A.No.1 of 2025 in I.A.No.203 of 2023 in O.S.No.113 of 2011 on 25.08.2025 and allow this Civil Revision Petition.

2. The learned counsel for the petitioner submits that the petitioner had instituted a suit for recovery of money based on a mortgage and for a permanent injunction restraining the respondents from illegally evicting the petitioner from the suit property. The suit came to be decreed on 29.02.2012. The respondents filed an application in the said suit seeking a direction to the petitioner to hand over the possession of the mortgaged property, as they had discharged the mortgage loan. The said application was allowed without considering the fact that the respondents had also taken certain loan from the petitioner's husband and therefore, she was entitled to continue in possession of the property. He vehemently submits that the petitioner had spent huge amounts for the maintenance of the property apart from paying the property tax relating to the property. Therefore, he seeks indulgence of this Court.



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3. I have considered the submissions made by the learned counsel for the petitioner and perused the materials available on record.

4. It is not in dispute that the respondents have discharged their mortgage amount borrowed from the petitioner. It is the contention of the petitioner that the respondents are also due and payable for certain loans received from her husband and therefore, she is entitled to be in possession of the property till such loans are also settled by the respondents. The Court below has given a categorical finding that having admitted the entire mortgage amount has been discharged and received by the petitioner, the petitioner cannot continue to be in possession of the property.

5. This Court finds no infirmity in the said order. The petitioner cannot claim any right to hold over the property which had been mortgaged to the petitioner based on any other transaction even with her or her husband which is not governed by mortgage and she cannot also claim to permit to hold over the property for the loan transaction of her husband, who is the third party to the mortgage.



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There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

03.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The I Additional Sub Court, Madurai

2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.KUMARESH BABU,J.

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