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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

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THE HON'BLE MR.JUSTICE P.B. BALAJI

A No. 4522 of 2026
IN
CS NO. 721 OF 1998

Mr.B.Loganathan
S/o.Mr.Balakrishnan, No.46/90, Moore Street,
Mannady, Chennai 600 001.

..Applicant(s)

Vs.

Mrs.Yamuna Reddy (Died) 1.M.K.Meera Reddy
No.4, IIIrd Street, Subba Rao Avenue, Chennai
600 006.

..Respondent(s)

To direct the 4th Respondent to issue the necessary receipts, discharge certificate or other appropriate documents acknowledging the full discharge of the mortgage, deeds pertaining to the schedule mentioned property, thereby enabling the applicant to register the same before the Sub-Registrar Office, Purasaivakkam.

For Applicant(s): Mr.R.Bharanidaran
for Mr.V.C. Balaji

For Respondent(s): Mr.R.Ramanlal for RR1 to 3
Mr.G.Veerapathiran for depositors
Mr.K.V.Babu for R169
Mrs.P.Bhuvaneswari for R168
Mr.Jayesh B.Dolia
Senior Counsel for Mrs.B.Rajeswari for employees
Mr.R.Manickavel, Advocate Commissioner
Mr.D.C.P.Priya
Senior Standing Counsel for Income Tax Department.

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ORDER

This application has been filed to direct the 4th Respondent to issue the necessary receipts, discharge certificate or other appropriate documents acknowledging the full discharge of the mortgage deeds pertaining to the schedule mentioned property, thereby enabling the applicant to register the same before the Sub-Registrar Office, Purasaivakkam.

2.Heard Mr.R.Bharanidaran, learned counsel for applicant and Mr.R.Manickavel, who has been appointed as Advocate Receiver cum Commissioner to represent Nidhi.

3.Mr.R.Bharanidaaran, learned counsel states that though two loans have been availed of by the applicant's vendor way back in the year 1986 and 1991, the said loans have been repaid and not only the mortgage deeds have been returned to the vendor of the applicant with an endorsement that the mortgage is cancelled, but also, the original documents of title have also been returned.

4.The learned counsel for the Nidhi, Mr.R.Manickavel and Mr.G.Veerapathiran, learned counsel appearing for the majority of depositors have opposed the said application, on the ground that there is no proof of repayment and in the absence of the same, the applicant is not entitled to relief as prayed for.

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5.I have carefully considered the submissions advanced by the learned counsel on either side.

6.Today, admittedly, after passage of more than 30 years, the property has also been dealt with by the original borrower, who had admittedly availed of two loans, one in 1986 and the other in 1991. If really the objections of the Nidhi and the depositors have to be sustained, then Nidhi should have been in possession of the original title deeds relating to the suit property.

7.The alienation by the original mortgagor has not been opposed for the past several years and the applicant has been in possession and enjoyment of the property. They are also having custody of the original parent title deeds. In view of the same, there is a clear presumption that the mortgage is of the year 1986 and 1991 have been settled as claimed by the applicant, even prior to their purchase of the property. Therefore, I am inclined to entertain the request of the applicant.

8.In view of the above, this Application is allowed, as prayed for.

04-11-2026
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P.B.BALAJI, J.

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A No. 4522 of 2026
IN
CS NO. 721 OF 1998

04-11-2026
1/2

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