



A.S.(MD)No.493 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.02.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**A.S.(MD)No.493 of 2025
and
C.M.P.(MD)No.18826 of 2025**

U.Muthulakshmi

... Appellant

Vs.

G.Raman

... Respondent

Prayer : Appeal Suit filed under Section 96 of Civil Procedure Code, to set aside the judgment and decree dated 30.01.2025 made in O.S.No.117 of 2021 on the file of the I Additional District Judge (PCR), Thanjavur, Thanjavur District.

For Appellant : Mr.V.Elangovan

For Respondent : Mr.R.Shanmugasundaram



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JUDGMENT

Heard both sides.

2.The defendant in O.S.No.117 of 2021 on the file of I Additional District Court (PCR), Thanjavur is the appellant before us. This appeal arises out of a suit on mortgage. The plaintiff instituted the said suit for directing the appellant herein to pay a sum of Rs.44,50,000/- together with interest at the rate of 24% per annum on the basis of two registered mortgagees. According to the plaintiff, the appellant herein purchased the suit property on 09.02.2009 vide sale deed bearing Document No.263/2009 on the file of the Sub Registrar, Karunthatankudi. It is the specific case of the plaintiff that the defendant borrowed a sum of Rs.5,00,000/- from him on 26.07.2016 and executed Ex.A2 / mortgage deed. It is his further case that on 15.03.2018, a further sum of Rs.20,00,000/- was borrowed by executing one more deed of mortgage (Ex.A3). Since the defendant did not pay the mortgage amount, the suit came to be instituted.



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3.The appellant filed written statement contending that the transactions took place only between her husband and Mohanasundaran and that she was not at all involved. Based on the rival pleadings, the Court below framed the necessary issues. Vide the impugned judgment and decree dated 30.01.2025, preliminary decree was passed. The appellant was directed to pay a sum of Rs.57,93,281/- with interest at the rate of 9% per annum from the date of plaint on the principal sum and in default, the plaintiffs were entitled to apply for final decree for sale of the mortgaged property. Aggrieved by the same this appeal has been filed.

4.The learned counsel for the appellant reiterated all the contentions set out in the grounds of appeal and called upon this Court to set aside the impugned preliminary decree and grant relief as prayed for.

5.Per contra, the learned counsel for the plaintiff / respondent submitted that the impugned judgment does not call for interference.

6.We carefully considered the rival contentions and went through the evidence on record. The point that arises for determination is whether



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the Court below was justified in passing the impugned preliminary decree.

7.It is seen that the appellant had not impeached the registration of Exs.A2 and A3. Admittedly, she executed both the deeds of mortgage. Section 60(2) of the Registration Act, 1908 reads as follows:-

“60.Certificate of registration

(1)

(2) Such certificate shall be signed, sealed and dated by the registering officer, and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section 59 have occurred as therein mentioned.”

8.This presumption drawn in favour of the plaintiff has not been rebutted in the manner known to law by the appellant herein. Section 92 of the Indian Evidence Act forbids adducing of evidence contrary to the terms of the written document. Exs.A2 and A3 clearly read that the appellant had availed mortgage loan from the plaintiff and in lieu thereof, executed the aforementioned deeds of mortgage. It would not lie in her



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mouth to now claim that she had not taken any money and that it was her husband who had dealings with one Mohanasundaran and that her name has been misused.

9.It is true that the property in question had been purchased by availing loan from the government. But that does come in the way of the appellant from executing the deeds of mortgage. The Court below rightly approached the issues and interference is not called for. The first appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.K.M. J.)
02.02.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:
The I Additional District Court,
Thanjavur, Thanjavur District.

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