

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, TIRUPPUR.

**PRESENT: N.Gunasekaran, M.B.A., B.L.,
Principal District Judge, Tiruppur**

Monday, the 3rd day of March, 2025

Original Suit No. 658 / 2022

(CNR.No.TNTI1800-3647-2022)

The plaintiff Union Bank of India (Erstwhile Corporation Bank), a Corporate body constituted under "The Banking companies (Acquisition and Transfer of undertakings) Act 1970", carrying on the business of banking having its Central Office at 239, Vidhan Bhawan Marg, Nariman Point, Mumbai – 400 021 and inter alia a Branch Office at Peruntholuvu Branch, D.No.2/83, Main Road, Peruntholuvu, Pollikalipalayam (Post), Tirupur-641 665 amongst other places also.

The Petition is signed and verified by Mr.L.Hariparasath, S/o. Loganadane, aged 38 years the Branch Manager, Peruntholuvu Branch, D.No.2/83, Main Road, Peruntholuvu, Pollikalipalayam (Post), Tirupur 641 665 having due power to sign this plaint.

... Plaintiff

Vs.

1. M. Govindasamy, S/o. Marappa Gounder, aged 66 years, residing at Door No.5/232, M.Pudhupalayam, Pollikalipalayam, Dharapuram Main Road, Muthanampalayam Village, Tiruppur – 641 606,

2. M. Sumathi, W/o. Mayilsamy, aged 42 years, residing at Door No.80/88, Akasthilingampalayam, Kangayam TK, Tiruppur 638 701,

Dated:3.3.2025

Principal District Court, Tiruppur

3. S. Kalaivani, W/o.Sathishkumar, aged 38 years, residing at Door No.6/27, Ramagoundenpalayam, Peruntholuvu, Tiruppur – 641 665,

4. G. Balasubramaniam, S/o. Govindasamy, aged 32 years, residing at Door No.5/232, M.Pudhupalayam, Pollikalipalayam, Dharapuram Main Road, Muthanampalayam Village, Tiruppur – 641 606.

... Defendants

Suit is filed for passing preliminary mortgage decree and judgment against the defendants to pay jointly and severally to the plaintiff bank a sum of Rs.14,92,284/- (Rupees Fourteen Lakhs Ninety Two Thousand Two Hundred and Eighty Four Only) in respect of loan Account No. CKLS–560941000156467 with future interest @ 13.35% per annum or at such lending rate that the plaintiff bank is entitled to charge from time to time in terms of directives of Reserve Bank of India from date of this suit till date of realization within a time as stipulated by this court, in case of default of such payment as prayed for, directing the sale of the mortgaged properties described in the plaint schedule through auction by order of the court and if the sale proceeds are found insufficient reserving right of the plaintiff to proceed against other assets of the defendants and for cost.

Date of filing of the suit: 26.09.2022

Cause of action arose on 29.04.2014, 28.03.2014 and 29.04.2014 at Tiruppur Taluk, Tiruppur District.

The Plaintiff values the suit for the purpose of court fee and jurisdiction is Rs.14,92,284/- (Rupees Fourteen Lakhs Ninety Two Thousand Two Hundred and Eighty Four Only) in respect of loan account No. CKLS-560941000156467 and a court fee of Rs.44,769/- is paid under Section 33,

Dated:3.3.2025

Principal District Court, Tiruppur

Article 1, Schedule-I of the Tamil Nadu Court Fees and Suits Valuation Act 1955. (Tamil Nadu Court-fees and Suits Valuation (Amendment) Act 2017).

Details of Valuation

Amount payable by the defendant to the plaintiff

As per statement of account

No. CKLS-560941000156467

as on 02.09.2022 : Rs.14,92,284/-

Court Fee payable u/s.33 of TNCF &
SV Act (Amendment) Act, 2017

Rs.44,769/-

On 05.02.2025, the suit came before me for the final hearing in the presence of Thiru.P.Bharath, Counsel appearing for the Plaintiff and Thiru.V.Moorthy, Counsel appearing for the Defendants 1 and 4, subsequent to filing written statement, when the suit was posted for cross examination of PW1, no representation for them and hence, D1 and D4 called absent and set exparte and D2 and D3 having remained exparte, upon hearing plaintiff side and on perusal of case records, this court doth order and direct as follows:

PRELIMINARY MORTGAGE DECREE

It is hereby declared that the amount due to the plaintiffs on the mortgage mentioned in the plaint calculated up to this day of 03rd March, 2025 is the sum of **Rs.14,92,284/-** in respect of loan account No. CKLS-560941000156467 for Principal, the sum of **Rs.2,04,633/-** for interest on the said principal, and the sum of **Rs.44,784/- * Rs.62,157/-** for costs of the suit awarded to the plaintiff making in all the sum of **Rs.17,41,701/- * Rs.17,59,074/-** (Rupees Seventeen Lakhs ~~Forty One~~ * Fifty Nine

Dated:3.3.2025

Principal District Court, Tiruppur

Thousand Seven Hundred and One * Seventy Four Only).

*** Amended as per order in I.A. No.237/2025; Dt: 02.04.2025.**

Sd./ N.Gunasekaran

P.D.J., Tiruppur.

And it is hereby ordered and decreed as follows:-

i) that the defendant do pay into court on 2nd day of May, 2025 or any later date up to which time for payment may be extended by the courts, the said sum of Rs.17,41,701/- * Rs.17,59,074/- (Rupees Seventeen Lakhs Forty One * Fifty One Thousand Seven Hundred and One * Seventy Four Only) at the rate of 9% per annum from the date of decree till the date of realization.

ii) That, on such payment and on payment thereafter before such date as the court may fix, of such amount as the court may adjudge due in respect of such costs of the suit and such costs, charges and expenses as may be payable under rule 10, together with such subsequent interest as may be payable under rule 11 of order XXXIV of the First Schedule to the code of Civil Procedure, 1908, the plaintiff shall bring into Court all documents in his possession or power relating to the mortgaged property in the plaint mentioned, and all such documents shall be delivered over to the defendant or to such persons as he appoints and the plaintiff, shall if so required, re-convey or re-transfer the said property free from the mortgage and clear of an from all encumbrances created by the plaintiff or any person claiming under him or any person under whom he claims and shall, if so required. Deliver up to the defendant quiet and peaceable possession of the said property.

Dated:3.3.2025

Principal District Court, Tiruppur

(iii) And it is hereby further ordered and decreed that, in default of payment as aforesaid, the plaintiff may apply to the court for a final decree for the sale of the mortgaged property and on such application being made, the mortgaged property or a sufficient part thereof shall be directed to be sold and for the purpose of such sale the plaintiff shall produce before the court or such officer as it appoints all documents in his possession of power relating to the mortgaged property.

(iv) And is hereby further ordered and decreed that the money realized by such shall be paid into court and shall be duly applied (after deduction there from of the expenses of the sale) in payment of the amount payable to the plaintiff under this decree and under any further orders that may be passed in this suit and in payment of any amount which the court may adjudge due to the plaintiff in respect of such costs of the suit, and such costs, charges and expenses as may be payable under rule 10 together with such subsequent interest as may be payable under Rule 11 of order XXXIV of the First schedule to the code of civil procedure, 1908 and that balance if any, shall be paid to the defendant or other persons entitled to receive the same.

(v) And it is hereby further ordered and decreed and that if the money realized by such sale shall not be sufficient for payment of full of the amount payable to the plaintiff as aforesaid, the plaintiff shall be at liberty (where such remedy is open to him under the term of his mortgage and is not barred by any law for the time being in force) to apply for a

personal decree against the defendant for the amount of the balance; and that the parties are at liberty to apply to the court from time to time as they may have occasion, and on such application or otherwise the court may given such directions as it thinks fit.

<u>Memo of Cost</u>		
Stamp on plaint	44,769.00	-
Stamp on vakalath	10.00	10.00
Stamp on batta memo	5.00	-
* Advocate fees	*24,500.00	
Cost list not filed on both sides * the side of defendnat		-
Cost allowed	44,784.00 *62,157.00	-
Cost Certified		10.00

* Amended as per order in I.A. No.237/2025; Dt: 02.04.2025.

Sd./ N.Gunasekaran
P.D.J., Tiruppur.

SCHEDULE OF PROPERTY

In Tirupur Registration District, Tiruppur Joint – I Sub-Registration District, Tirupur District, Tiruppur Taluk, in Muthanampalayam Village, in S.F. No.104/1 an extent of 1.13.50 hectare for this an extent of 2.80 acres assessed at Rs.4.75 and the right to use the mamool roads of reach the property.

Dated:3.3.2025

Principal District Court, Tiruppur

The extent of the schedule property is 2.80 acres (Patta No.80).

Given under my hand and the seal of this Court, this the 3rd day of March, 2025.

Sd./ N. Gunasekaran
Principal District Judge,
Tiruppur.

Dated:3.3.2025

Principal District Court, Tiruppur

Preliminary Mortgage Decree
O.S. No.658/2022
Date: 03.03.2025
P.D.J. Court, Tiruppur.

Dated:3.3.2025

Principal District Court, Tiruppur