

IN THE COURT OF THE ADDITIONAL SUBORDINATE JUDGE, KANCHEEPURAM.

Present: Thiru.T. Thirumal, B.A.,B.L.,
Additional Subordinate Judge.(FAC).

Monday, the 30th day of March 2026

OS.No.208/2019

C.N.R.No.TNKP070001435/2019

Marimuthu

.. Plaintiff.

Vs.

Sampath

.. Defendant.

This suit is came before me on 20.02.2026 in the presence of M/s.E.L.Kannan, N.Krishnakumar and E.Kalidoss Advocates for Plaintiff and the defendant being called absent set ex parte and upon hearing the plaintiff side and having stood over for consideration till this day, this Court delivered the following

JUDGMENT

Suit is for preliminary decree on mortgage for recovery of a sum of Rs.2,06,134/- being the principal and interest due on a Registered Simple mortgage deed executed by the defendant in favour of the plaintiff for a sum of Rs.1,00,000/- on 04.12.2014 together with interest at the rate of 24% p.a. from the date of suit till the date of realization, failing which to sale the schedule mentioned property for realization of amount due and costs of the suit.

2. Brief averments in the plaint are as follows:

The defendant has borrowed a sum of Rs.1,00,000/- on 04.12.2014 from the plaintiff for his family expenses and on the same day he executed a mortgage deed in

favour of plaintiff mortgaging plaintiff schedule property and agreeing to repay the loan amount with interest at 24% p.a. The defendant has not repaid any amount towards the debt either for principal or for interest inspite of repeated demands. The amount now due by the defendant is Rs.1,00,000/- towards the principal and Rs.1,06,134/- towards the interest totally a sum of Rs. 2,06,134/-. Further , the plaintiff issued a legal notice on 29.04.2019 to the defendant calling upon to repay the amount with interest and the said legal notice was send by the defendant, subsequently there was no reply from the defendant. Even after issuing the legal notice the defendant has not paid any amount to the plaintiff till date. Hence, the plaintiff has no other option to file this present suit against the defendant.

3. The defendant remained set exparte.

4. The issue for consideration is

1. Whether the plaintiff is entitled to recovery a sum of Rs.2,06,134/- with interest as prayed for which due on the Registered simple mortgage deed dated 04.12.2014?

2. To what other relief is the plaintiff entitled to?

5. On the side of the plaintiff, the Plaintiff was examined himself as P.W.1 and Ex.A.1 and A.2 were marked. On the side of the defendant, no oral and documentary evidence adduced.

6. On issues:-

This Court considering the arguments of plaintiff side and evidence of P.W.1, and Ex.A.1 and A.2 it is found that the schedule of property is belongs to the

defendant and the defendant has borrowed a sum of Rs.1,00,000/- from the plaintiff on 04.12.2014 and executed a mortgage deed on the same day in favour of the plaintiff to mortgaged the schedule of property as evidenced from Ex.A.1. The defendant has not paid any amount either towards interest or towards principal in respect of the aforesaid mortgage. Hence, the plaintiff issued a legal notice to defendant on 29.04.2019 under Ex.A.2. A sum of Rs.2,06,134/- is due and payable by the defendant to the plaintiff in respect of the aforesaid mortgage. The Ex.A.1 mortgage deed is registered one. Hence, this court found that Ex.A.1 executed by the defendant is valid consideration passed. The defendant set exparte. But the plaintiff has proved his case through evidence of P.W.1 and Ex.A.1.and A.2. Hence, the defendant is liable to pay a sum of Rs.2,06,134/- along with interest on Rs.1,00,000/- at the rate of 6% p.a. from the presentation of the plaint till the date of realization.

7. In result, suit is decreed with cost by passing preliminary decree on mortgage and the defendant is directed to pay a sum of Rs.2,06,134/- to the Plaintiff along with interest on Rs.1,00,000/- at the rate of 6% p.a. from the date of presentation of plaint till the date of realization. Time for payment: 2 months.

Directly dictated to the Shorthand writer, typed by her, corrected and pronounced by me in open court, this the 30th day of March 2026.

Additional Subordinate Judge,
Kanchipuram.(FAC)

Exhibits on Plaintiffs' side:

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| Ex.A.1 | 04.12.2014 | Registered mortgage deed executed by defendant in favour of Plaintiff. |
| Ex.A.2 | 29.04.2019 | Legal notice issued by the plaintiff to defendant. |

Witnesses on Plaintiffs' side:

P.W.1 -- Marimuthu.

Exhibits and Witnesses on Defendants side: NIL

Additional Subordinate Judge,
Kanchipuram.(FAC).