



IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, THENI

Present: Thiru. Swarnam J. Natarajan, M.L.,

Principal District Judge, Theni

Wednesday, this the 15th day of April - 2026

Original Suit No.247/2025

CNR.No.TNTH01-004231-2025

Canara Bank having its Head Office at No.112, JC Road, Bangalore, Karnataka State – 560 002 represented by its Branch Manager, Thiru. Marikannan S/o. Ramasamy, age 33 years, Canara Bank, Thevaram Branch, Uthamapalayam Taluk, Theni District, Tamil Nadu – 625 530.

... **Plaintiff**

-Versus-

Diraviam S/o. Innasi Udayar, age 57 years, residing at Door No.76, East Street, T. Bomminayakkanpatty, T. Meenakshipuram Village, Uthamapalayam Taluk, Theni District – 625 530.

... **Defendant**

The plaintiff bank represented by the Branch Manager had instituted the suit for passing of preliminary decree directing the defendant to pay the suit claim of **Rs.12,04,025/-** with subsequent interest at **13 %** per annum with cost of the suit from



the date of plaint till the date of decree and in default, directing the schedule mentioned properties to be sold without attachment and the sale proceeds to be adjusted towards the amount decreed and if the sale amount is not sufficient to appropriate the decree amount, to proceed personally against the defendant.

Date of Presentation :- 27.11.2025

Cause of Action:- 03.03.2022, 24.03.2022 and 01.02.2022 arose at Thevaram Branch, Theni District.

Court Fee :-

Value of the suit at **Rs.12,04,025/-** and the Court fee paid for **Rs.36,122/-** as per section 33 (1) Schedule I Article of Tamil Nadu Court Fees and suit valuation Act.

This suit was coming up on 09.04.2026 for final hearing before me in the presence of Thiru. M. Muruga Dhinakaran, Advocate for the plaintiff and of Thiru. S. Selvaraj, Advocate for the defendant and after the defendant was called absent set exparte and upon hearing the arguments of plaintiff side and perusing the evidence, documents, the case having stood over for consideration till this day, this Court delivers the following ...



PRELIMINARY MORTGAGE DECREE

It is hereby declared that the amount due to the plaintiff on the mortgage mentioned in the plaint calculated up to this **15.04.2026** is the sum of **Rs.9,22,000/-** (Principal) for the sum of **Rs.2,82,025/-** (Previous interest) + **Rs.26,523/-** (Subsequent interest at 7.5 % per annum (from 27.11.2025 to 15.04.2026) for interest thereon and the sum of **Rs.49,315/-** for the cost of the suit awarded to the plaintiff making in all the sum of **Rs.12,79,863/-** out of which the principal sum of **Rs.9,22,000/-** shall carry future interest at 6 % from this day (i.e., 15.04.2026) till the date of realization.

i) that the defendant do pay into court on or **15th day of July 2026** or any later date up to which time for payment may be extended by the courts, the said sum of **Rs.12,79,863/-** out of which the principal sum of **Rs.9,22,000/-** at the rate of **6% 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 / her 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 / she 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 / her or any person under whom he / she claims and shall, if so required. Deliver up to the defendant quiet and peaceable possession of the said property.

(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 / her 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 give such directions as it thinks fit.

SCHEDULE OF PROPERTIES

1. All that piece and parcel of land etc., which all situate at Periyakulam Registration District, Thevaram Sub-District, T. Meenakshipuram Village, Old Patta No.77, Survey No.426/6, Punja land 0.11.0 Are (28 cent) & Survey No.426/7 Punja land 0.13.0 are (32 cent) Totally 60 cents bounded by



East - Land of M. I. Dhiraviam
South - Land of M. I. Dhiraviam
West - Land of M. I. Dhiraviam
North - Land of K. A. Arockiasamy

(As per Resurvey: 426/6, measuring 0.11.50 ares, Patta No.11831, 426/7 measuring 0.13.00 ares, Patta No.11831)

2. All that piece and parcel of land etc., which all situate at Periyakulam Registration District. Thevaram Sub-District, T. Meenakshipuram Village, Old Patta No.736, Survey No. 425/3, Punja land 0.160.5 Are (1.49 Acre) of which southern side Cent 90 as per sub-division Patta No.1643. Survey No.425/3B Punja land 0.36.5 are (90 cent)

Boundaries :

East - Land of M. S. Uvari Anthony
South - Land of K. M. Vellai @ Anthony
West - Cart Track
North - Land of Mariasalethu

(As per Resurvey : 425/3B, measuring 0.36.50 ares. Patta No.11815)



3. All that piece and parcel of land etc., which all situate at Periyakulam Registration District, Thevaram Sub-District, T. Meenakshipuram Village, Old Patta No.1856, Survey No.425/2, punja land 0.03.0 - cent 08 with Well 1/4th share with one Tamarind Tree with irrigation of water to the said land from this well, with other usual rights thereof.

4. All that piece and parcel of land etc., which all situate at Periyakulam Registration District, Thevaram Sub-District, T. Meenakshipuram Village, Old Patta No.11661, Survey No.427/1, Punja land 0.70.0 are (1.73 acre) & Patta No.11662, of which northern side Cent 25 and T. Meenakshipuram Village, Patta No.11662, Survey No.426/5, Punja land 0.50.0 are (1.24) Totally 1.49 acre, with well fitted with 5 H.P. electric motor pumpset bearing S.C.No.C-91, half right with all its usual western side cart track etc., situated in Survey No.426/5

Boundaries :

East	-	Cart Track
South	-	Land of applicant, Dhiraviyam purchased from Anthoniammal and others
West	-	Cart Track
North	-	Land of Arul Udayar & others.



(As per Resurvey:427/1, measuring 0.70.00 ares, Patta No.11671, 426/5 measuring 0.50.00 ares, Patta No.11671)

Cost List Particulars

Plaintiff's side :		Defendant's side :	
Stamp on Plaint	36,122.00	Stamp on Vakalath	10.00
Stamp on vakalath	10.00		
Advocate Fee (Senior)	10,000.00		
Advocate Fee (Junior)	3,000.00		
Batta Memo	83.00		
Pleading Charge	100.00		
(Cost Allowed)	----- Rs.49,315.00 -----		----- Rs.10.00 -----

(Cost list filed)

(Cost list not filed)

Given under my hand the seal of this court this the 15th day of April - 2026.

**Principal District Judge,
Theni.**



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O.S.No.247/2025

The Principal District Court,
Theni.

O.S.No.247/2025

Preliminary Mortgage Decree

Date : 15.04.2026