



SA No. 815 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**SA No. 815 of 2025
and CMP.No.31033 of 2025**

M.Vijayalakshmi

Appellant(s)

Vs

C.Ramesh Babu

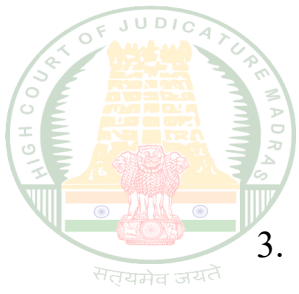
Respondent(s)

For Appellant(s): Mr.P.Rajavel

ORDER

Challenging the reversal findings, the defendant has preferred this appeal.

2. Before the Trial Court, the respondent/plaintiff filed a suit for specific performance and the same was dismissed, against which, an appeal was filed. The appellate Court allowed the appeal and decreed the suit. Challenging the same, the present second appeal has been filed.



3. The learned counsel for the appellant submitted that the appellant/defendant borrowed a loan, for which a document was executed purporting to be a mortgage. The said document was typed in English and the averments in the agreement was not known to him. Later, he came to know that it is a sale agreement, but he never intended to sell the property. Besides that, the plaintiff also not proved his readiness and willingness, but the appellate Court has erroneously granted the decree.

4. This Court admits the Second Appeal on the following substantial question of law:

- i) Whether the First Appellate Court erred in not considering the fact that there was no consensus ad idem between the appellant and the respondent in the execution of the alleged sale agreement Ex.A1 dated 07.03.2011 especially when the appellant/defendant pleaded that it was loan agreement and the defendant/appellant was illiterate woman.
- ii) Whether the first appellate Court erred in not considering the fact that no prudent man would have paid Rs.3,00,000/- out of the total consideration of Rs.3,10,000/- and take 11 months to pay the balance amount of Rs.10,000-?
- iii) Whether the first appellate Court erred in coming to the



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conclusion that the contention of the defendant that the sale agreement is not an agreement of sale but only a loan document is unbelievable only on the ground that the appellant/defendant has not replied to the legal notice issued by the plaintiff/respondent dated 14.12.2012 without appreciating the fact that the suit was filed in January 2013 within a period of 3 weeks from the date of receipt of legal notice by the appellant/defendant?

5. Notice to the respondent returnable by 22.01.2026.

6. The decree passed by the Court below is ordered to be stayed, till 22.01.2026.

7. Post the matter on 22.01.2026.

10-12-2025

pvs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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T.V.THAMILSELVI J.
pvs

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