

ITEM NO.59

COURT NO.7

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).9372/2026

[Arising out of impugned final judgment and order dated 23-01-2026 in AS No. 928/2020 passed by the High Court of Judicature at Madras]

KALAIMANI & ANR.

Petitioner(s)

VERSUS

PANDIYAN & ORS.

Respondent(s)

IA No. 74847/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 74850/2026 - EXEMPTION FROM FILING O.T.

Date : 16-03-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. R. Subramaniam, Sr. Adv.
Mr. Siddhartha Iyer, AOR
Ms. Srishti Ghoshal, Adv.
Mr. Aman Gupta, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. The petitioners before us are the original plaintiffs.
2. They instituted a civil suit for recovery of a sum of Rs.4,00,000/- (Rupees Four Lakh only) with interest.
3. The suit for recovery is based on a mortgage deed dated 13.01.1998 purported to have been executed by the defendant no.4 as power of attorney of the defendant nos. 1 to 3, respectively.

4. It appears that the fourth defendant executed a mortgage deed in favour of the plaintiffs dated 13.01.1998 for a sum of Rs.4,00,000/- (Rupees Four Lakh only). The suit came to be dismissed.

5. The first appeal preferred by the plaintiffs also came to be dismissed.

6. In such circumstances, the plaintiffs are here before us with the present petition.

7. *Prima-facie*, it appears that the payment of Rs.4,00,000/- (Rupees Four Lakh only) by the plaintiffs to the defendant nos. 1 to 3, respectively is not in dispute and the fact that they used this amount for that purpose is also not in dispute.

8. *Prima-facie*, we are of the view that at least this amount of Rs.4,00,000/- (Rupees Four Lakh only) with interest should be paid back to the plaintiffs.

9. Issue notice, returnable on 27.04.2026.

10. Dasti service, in addition, is permitted.

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)