



TAMIL NADU STATE JUDICIAL ACADEMY - REGIONAL CENTRE, MADURAI

Webinar on “Law relating to Mortgages”

Event Report

The Programme commenced with the Welcome Address by Mr. S. Muthu Maharajan, Deputy Director of the Tamil Nadu State Judicial Academy, Regional Centre, Madurai. He extended welcome to the Resource Person Mr. S. Meenakshi Sundaram, Senior Advocate, Madurai Bench of Madras High Court and also to the Participants.

The Resource person Mr. S. Meenakshi Sundaram dealt with the topic **Mortgages** comprehensively. He explained about the relevant provisions regarding Mortgages and the forms appended in the CPC for drafting of Mortgage Decrees and also the various kinds of Mortgages. The Relevant Provisions as enunciated by the resource person are Sections 58 to 104 of the Transfer of Property Act, 1884; Order 34, Rules 1 to 15 of Civil Procedure Code, 1908; Articles 61 to 64 of the Schedule to the Limitation Act, 1963 and Section 33 of the Tamil Nadu Court Fees and Suits Valuation Act, 1965. He also talked about the 11 kinds of Preliminary Forms appended in CPC viz., Form Nos.3, 3A, 5, 5A, 7, 7A, 7B, 7C, 9, 10 and 11; and 5 kinds of Final Decree Forms viz., Form Nos.4, 6, 7D, 7E and 7F.

Further, he stated the relevant provisions for Preliminary Decree are Order 34, Rules 2, 4 & 7 and for Final Decree are Rules 3, 5 & 8. He elucidated the related provisions for deciding the necessary parties to the suit for mortgages are Order 34, Rule 1 CPC, Sections 59A and 91 of the Transfer of Property Act.

The Resource Person emphasized that the equity of redemption of mortgage is part of the title and a purchaser of the mortgaged property steps into the shoes of mortgagor and he is entitled for redemption.

The distinction between a Mortgage by Conditional Sale and Sale with a condition to Repurchase was clarified. The Resource Person referred the relevant Judgments of the Hon'ble Supreme Court and High Court and reiterated the distinction between mortgage by conditional sale and a sale with a condition of repurchase.

The Resource Person also dealt with the limitation aspect for the Usufructuary Mortgage and also the Court Fees for the Mortgage Suits. During interactive session, the queries of the participants were answered. At the end of the programme, the Deputy Director proposed Vote of Thanks.
