

” Whether decree for redemption of mortgage is correct?

Section 60 of the Transfer of Property Act, 1882 provides that at any time after the money becomes due, the mortgagor has a right, on payment or tender, at a proper time and place, of the mortgage-money to require the mortgagee to deliver the mortgage deed and all documents relating to the mortgaged property, and where the mortgagee is in possession of the mortgaged property, to deliver possession thereof to the mortgagor. In **Shivdev Singh v. Sucha Singh [Shivdev Singh v. Sucha Singh, (2000) 4 SCC 326]**, it was held as under: (SCC p. 330, para 8)

“8. ... The right of redemption recognised under the Transfer of Property Act is thus a statutory and legal right which cannot be extinguished by any agreement made at the time of mortgage as part of the mortgage transaction.”

Mortgage, Redemption, TPA S. 59 , TPA S. 60 , TPA S. 91

Jamila Begum (Dead) though Legal Representatives v. Shami Mohd. (Dead) through Legal Representatives & Anr, (2019) 2 SCC 727