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SUPREME COURT

Supreme Court Reinforces Conditional Mortgage

Permissive Possession Doesn't Alter Intent

Sheikh Rayees • December 11, 2024

PUBLISHED REPORT

The Supreme Court has clarified the distinction between a "simple mortgage" and a "mortgage by conditional sale" under Section 58(c) of the Transfer of Property Act, 1882. It ruled that mere possession by the mortgagor does not alter the conditional nature of the mortgage, provided the deed explicitly outlines terms converting the mortgage into an absolute sale upon default. This judgment arose from a civil appeal challenging lower court decisions...

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