Chapter IV-C - Rights and Liabilities of Mortgagee

Select foreclosure, sale, money claim, receiver and possession remedies without exceeding statutory powers.

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Dedicated Finin2min Summary - Chapter in 2 Minutes

• Section 67: Right to foreclosure or sale - convert every statutory limb into evidence-backed transaction controls.
• Section 67A: One suit on several mortgages - convert every statutory limb into evidence-backed transaction controls.
• Section 68: Right to sue for mortgage money - convert every statutory limb into evidence-backed transaction controls.
• Section 69: Power of sale without court when valid - convert every statutory limb into evidence-backed transaction controls.
• Select foreclosure, sale, money claim, receiver and possession remedies without exceeding statutory powers.
• Apply the current official Act and transaction-date State stamp, registration, land, tenancy, RERA and procedural law.

Current statutory text / controlled source map

Section 67 - Right to foreclosure or sale.
Section 67A - One suit on several mortgages.
Section 68 - Right to sue for mortgage money.
Section 69 - Power of sale without court when valid.
Section 69A - Appointment of receiver.
Section 70 - Accession to mortgaged property.
Section 71 - Renewal of mortgaged lease.
Section 72 - Rights of mortgagee in possession.
Section 73 - Right to sale proceeds or acquisition compensation.
Section 74 - Repealed.
Section 75 - Repealed.
Section 76 - Liabilities of mortgagee in possession.
Section 77 - Receipts in lieu of interest.

Section-by-section provision map

Provision	Subject / status	Finin2min clause-by-clause decode and implementation
Section 67	Right to foreclosure or sale *Operative subject to current official/State law*	Section 67 governs right to foreclosure or sale. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the mortgagee remedy and possession control framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 67A	One suit on several mortgages *Operative subject to current official/State law*	Section 67A governs one suit on several mortgages. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the mortgagee remedy and possession control framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 68	Right to sue for mortgage money *Operative subject to current official/State law*	Section 68 governs right to sue for mortgage money. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the mortgagee remedy and possession control framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.

Provision	Subject / status	Finin2min clause-by-clause decode and implementation
Section 69	Power of sale without court when valid *Operative subject to current official/State law*	A mortgagee may sell without court only in the classes and conditions specified by statute; verify instrument, parties, territory and notice before action. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 69A	Appointment of receiver *Operative subject to current official/State law*	Section 69A governs appointment of receiver. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the mortgagee remedy and possession control framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 70	Accession to mortgaged property *Operative subject to current official/State law*	Section 70 governs accession to mortgaged property. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the mortgagee remedy and possession control framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 71	Renewal of mortgaged lease *Operative subject to current official/State law*	Section 71 governs renewal of mortgaged lease. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the mortgagee remedy and possession control framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 72	Rights of mortgagee in possession *Operative subject to current official/State law*	Section 72 governs rights of mortgagee in possession. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the mortgagee remedy and possession control framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 73	Right to sale proceeds or acquisition compensation *Operative subject to current official/State law*	Section 73 governs right to sale proceeds or acquisition compensation. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the mortgagee remedy and possession control framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 74	Repealed *Repealed - historical map only*	Section 74 governs repealed. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the mortgagee remedy and possession control framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.

Provision	Subject / status	Finin2min clause-by-clause decode and implementation
Section 75	Repealed *Repealed - historical map only*	Section 75 governs repealed. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the mortgagee remedy and possession control framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 76	Liabilities of mortgagee in possession *Operative subject to current official/State law*	Section 76 governs liabilities of mortgagee in possession. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the mortgagee remedy and possession control framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.
Section 77	Receipts in lieu of interest *Operative subject to current official/State law*	Section 77 governs receipts in lieu of interest. Identify actor, property/right, transfer event, statutory conditions, exceptions, notice and legal consequence within the mortgagee remedy and possession control framework. **Implementation:** Record title and authority, transaction dates, consideration, possession, instrument form, stamp/registration status, notice, approvals and third-party claims. Obtain State-specific review before execution or enforcement. **Evidence:** Official source snapshot; title chain; encumbrance/litigation search; authority; executed instrument; valuation; payment and tax proof; possession/delivery record; notices; registration receipt.

Finin2min implementation explanation

Classify the property interest, parties, authority, consideration, possession and intended legal result. Complete title, encumbrance, litigation and State-law diligence. Select the correct instrument, stamp, registration and perfection route. Block payment or possession until closing conditions and evidence are complete.

Practical examples and calculations

Scenario: A lender receives title documents and a memorandum, then considers enforcement after default. The file must prove mortgage type, creation, priority, secured amount, notice, redemption and statutory enforcement route.

Calculation/control	Method	Evidence
Secured amount	Reconcile principal, contractual interest, default interest, fees, payments and statutory restrictions.	Loan ledger and bank proof
Redemption figure	State cut-off date, principal, lawful interest, costs and release conditions.	Account statement and redemption notice
Priority allocation	Map each mortgage/charge by creation, perfection, notice and statutory priority.	Title, CERSAI/ROC and registration searches

Practical transaction application

1. Classify the transaction and every interest. 2. Complete title, authority, encumbrance, litigation, land-use and possession diligence. 3. Map the Act and State overlays to the instrument. 4. Reconcile consideration, taxes, possession and completion. 5. Preserve closing and enforcement evidence.

Authority, consent and execution controls

Confirm legal identity, capacity, title, board/partner/trustee/co-owner/lender consents, power-of-attorney scope, execution, attestation, witnessing and document custody.

Stamp duty and registration alerts

Apply current State instrument classification, market value, duty, surcharge, registration fee, adjudication and impounding rules. Registration does not cure defective title or prohibited transfer.

Evidence and document-retention checklist

Retain title chain, searches, authority, valuation, tax and KYC records, executed instrument, witness evidence, registration receipt, consideration, possession, originals handover and notices.

Performance, delivery and payment controls

Define conditions precedent, long-stop date, escrow/retention, possession condition, risk transfer, taxes, apportionments, originals handover and post-closing filings.

Breach, loss, mitigation and remedy framework

Separate invalidity, rescission, specific performance, injunction, possession, redemption, foreclosure/sale, damages, restitution and indemnity. Prove causation, market value and mitigation.

Limitation and forum controls

Select relief-specific limitation and forum: civil/Commercial Court, RERA, DRT/DRAT, NCLT, consumer, revenue or arbitration. Compute notice, cure, termination, appeal and enforcement clocks.

Arbitration and mediation interface

Assess arbitrability, rights in rem, statutory forums, third-party interests, interim protection, lis pendens, possession and limitation. Preserve source and evidence during settlement.

Company, partnership, GST and tax overlays

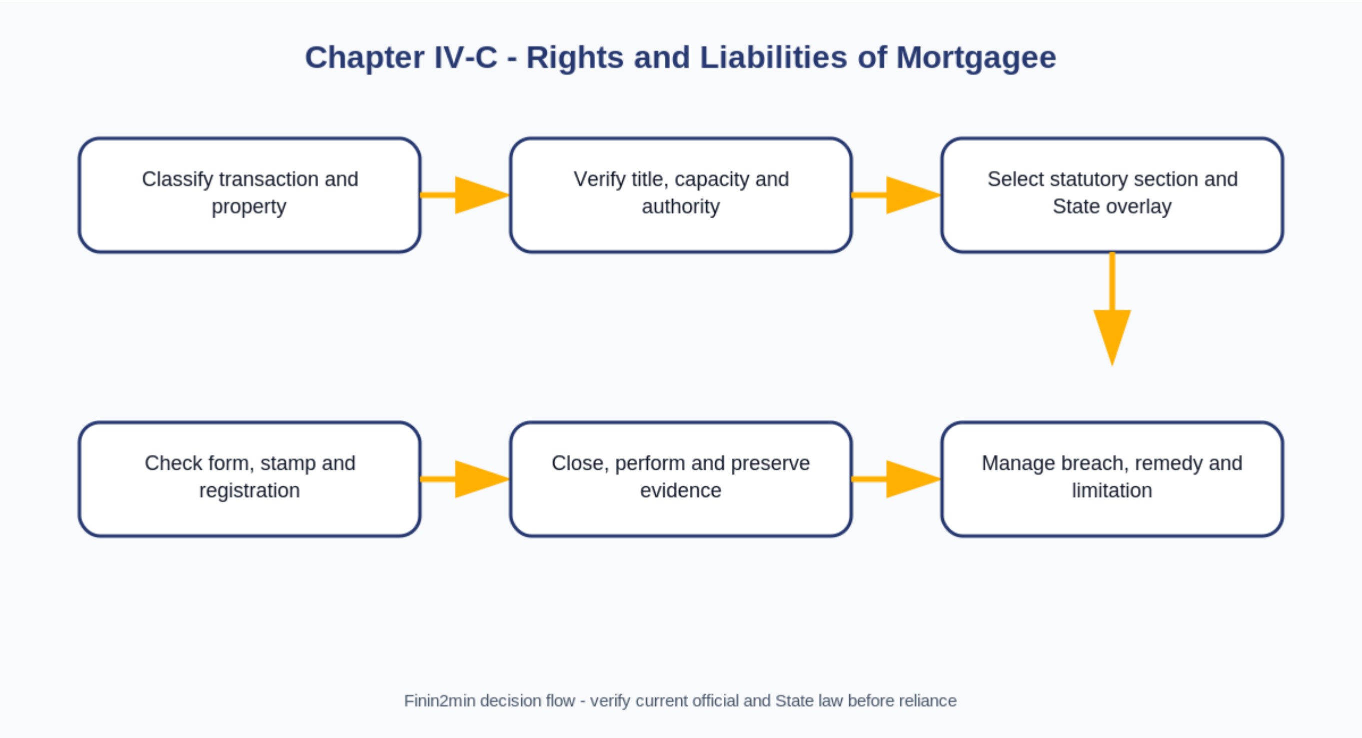
Apply entity authority, charges, RERA, GST, TDS, capital gains, valuation, FEMA, benami, PMLA/KYC, insolvency moratorium and secured-creditor priority.

Finin2min Q&A;

First classify the transaction and title. The common failure is execution or payment before State stamp/registration and third-party rights are verified. A contract does not always transfer title. Maintain a reproducible source, title, authority, closing and remedy file.

Chapter-specific decision flowchart

Classify transaction -> verify title/capacity -> select section and State overlay -> check form/stamp/registration -> close and preserve evidence -> manage breach, remedy and limitation.



Official source: https://www.indiacode.nic.in/bitstream/123456789/2338/1/A1882-04.pdf

Legal-use note: verify current official and State law and obtain matter-specific advice before execution, registration, enforcement or litigation.