



Legal Mortgage Monthly Update

May 2026

Contents	Mentmore Golf Investments Ltd v Gaymer [2025] EWHC 2604 The High Court has confirmed that a mortgagee may validly apply for relief from forfeiture after a possession order has been made, provided the order has not yet been executed. The decision provides important clarification on the timing and procedure for such applications, whilst also highlighting the risk of an application being treated as an abuse of process depending on the circumstances.
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Case name Neutral citation	Mentmore Golf Investments Ltd v Gaymer [2025] EWHC 2604
Summary	The High Court has clarified the position on when a mortgagee can apply for relief from forfeiture, holding that an application made after a possession order, but before execution of that order, was valid.
Facts	The case arose out of a long-running dispute concerning a golf course. The landlord obtained a possession order against the tenant, following which both the tenant and its mortgagee applied for relief from forfeiture. The possession order was subsequently executed.
Decision	<p>The Court held that the mortgagee's application had been made in time because the landlord was still "proceeding" within the meaning of s.146 Law of Property Act 1925 until execution of the possession order. However, the existence of the possession order itself – particularly where the mortgagee had not sought to set it aside – was a relevant factor when the court came to exercise its discretion on whether relief should ultimately be granted.</p> <p>Importantly, the Court also confirmed that there is no procedural requirement for a mortgagee's application for relief to be made within the</p>

	<p>landlord's existing proceedings.</p> <p>Although the application was technically permissible, the Court concluded on the facts that it amounted to an abuse of process.</p>
Comment	<p>The decision provides useful clarification on both the timing and procedure for applications for relief from forfeiture. It will be of particular interest to mortgagees, as the Court recognised that there may be legitimate commercial reasons for delaying an application until contested proceedings between landlord and tenant have concluded. The judge suggested that, where that course is adopted, mortgagees should keep the decision under review and record the reasons for the delay, especially where adverse costs orders or unless orders are made against the tenant.</p>



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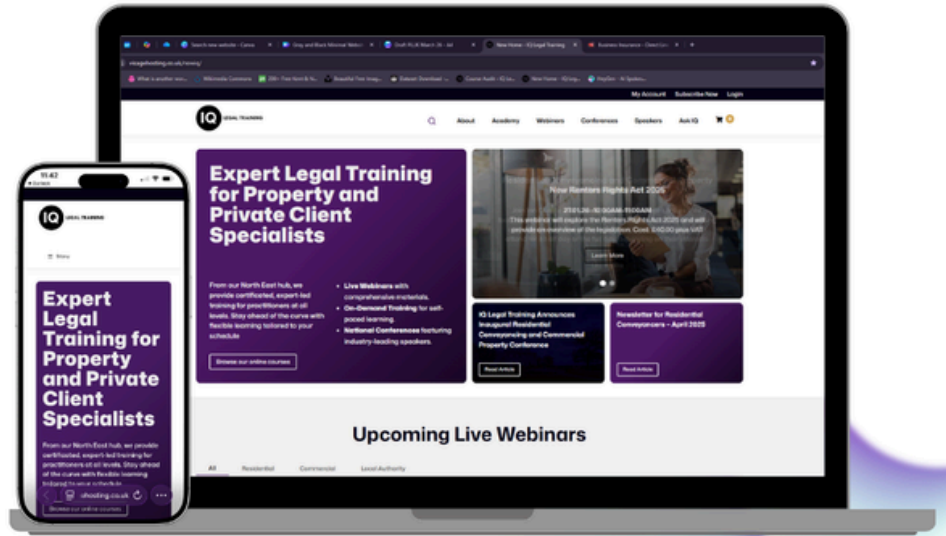
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Delegates can choose to attend either the full day or a half-day session (morning or afternoon).

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