



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

**CRP No.1327 of 2025
& CMP.No.7845 of 2025**

1.K.Kamal

2.A.Kumar

..Petitioner

Vs

R.Krishnamoorthy

..Respondent

Prayer: Civil Revision petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 24.10.2024 in I.A.No.2 of 2024 in O.S.No.217 of 2020 on the file of the Subordinate Court, Chengam.

For Petitioner(s): Mr.D.Nellaiappn

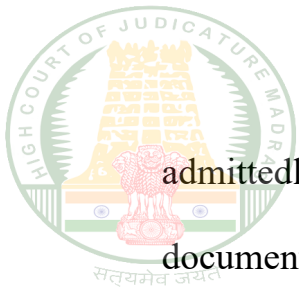
For Respondent(s): No appearance

ORDER

Aggrieved by the dismissal of an application under Order XIII Rule 9 of the Code of Civil Procedure, the present revision has been taken out.

2.Heard the learned counsel for parties.

3.The learned counsel for the revision petitioners would state that the petitioners, as defendants, sought for return of Exs.A1, A5 and A6, which were



admittedly marked on the side of the respondent-plaintiff. However, the said documents are original documents which have to be come back to the petitioners herein. He would also point out that the suit for specific performance was dismissed, holding that the transaction was only a loan transaction. He would also bring to my notice that a full satisfaction memo has been filed, evidencing that the decree has been satisfied and therefore, the petitioners were entitled to get return of the documents. The said application has been dismissed by the Trial Court, on the ground that the respondent, namely the plaintiff has already taken return of the documents and therefore proceeded to dismiss the application, holding that Order XIII Rule 9 of CPC cannot be invoked in the instant case.

4. Order XIII Rule 9 of CPC is usefully extracted hereunder for easy reference:

“9. Return of admitted documents.—(1) Any person, whether a party to the suit or not, desirous of receiving back any documents produced by him in the suit and placed on the record shall, unless the document is impounded under rule 8, be entitled to receive back the same,—

(a) where the suit is one in which an appeal is not allowed, when the suit has been disposed of, and

(b) where the suit is one in which an appeal is allowed, when the Court is satisfied that the time for preferring an appeal has elapsed and that no appeal has been preferred or, if an appeal has been preferred, when the appeal has been disposed of:



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[Provided that a document may be returned at any time earlier than that prescribed by this rule if the person applying therefor—

(a) delivers to the proper officer for being substituted for the original,—

(i) in the case of a party to the suit, a certified copy, and

(ii) in the case of any other person, an ordinary copy which has been examined, compared and certified in the manner mentioned in sub-rule (2) of rule 17 of Order VII, and

(b) undertakes to produce the original, if required to do so:]

Provided also, that no document shall be returned with, by force of the decree, has become wholly void or useless.

(2) On the return of a document admitted in evidence, a receipt shall be given by the person receiving it.”

5.It is not in dispute that the documents to which the petitioners are entitled, namely Exs.A1, A5 and A6 have been taken return of, by the respondent already. In such view of the matter, I do not find any infirmity or perversity in the findings of the trial Court, warranting interference in revision. At the same time, the petitioner cannot be driven to another round of fresh litigation against the respondent. It is always open to the petitioner to seek suitable directions in O.S.No.217 of 2020 against the respondent for return of documents and he need not be driven to the necessity of filing a fresh suit in this regard. In the light of the above, while confirming the order of the trial Court, liberty is granted to the petitioner to take out an appropriate application seeking directions against the respondent-plaintiff for return of documents in



O.S.No.217 of 2020. Any such application, if filed, within a period of four weeks, the same shall be disposed of, within a period of three months thereafter.

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6.The Civil Revision Petition is dismissed with the above direction. No costs. Connected Civil Miscellaneous Petition is closed.

20.07.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ATA

To
The Subordinate Judge, Chengam.



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P.B.BALAJI, J.

ATA

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