

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

OP(C).No. 2183 of 2015 (O)

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AGAINST THE ORDER/JUDGMENT IN OS 423/2006 of MUNSIF
COURT,MUVATTUPUZHA
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PETITIONER(S):

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- 1. BIJU AGED 47 YEARS
S/O. SREEDHARAN, OZHAKKANATTU HOUSE, RAMAMANGALAM KARA
MARADY VILLAGE, MUVATTUPUZHA TALUK.**
 - 2. BINU
S/O. SREEDHARAN, OZHAKKANATTU HOUSE, RAMAMANGALAM KARA
MARADY VILLAGE, MUVATTUPUZHA TALUK.**

**BY ADVS.SRI.MATHEW JOHN (K)
SRI.DOMSON J.VATTAKUZH**

RESPONDENT(S):

**VARUGHESE KURIAN
S/O. KURIAN, MADAPARAMBIL HOUSE, NJARAKKADU KARA
KADAVOOR VILLAGE, KOTHAMANGALAM TALUK - 638451.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 10-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP(C).No. 2183 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1 - A TRUE COPY OF THE APPLICATION R.A NO. 71/2015 IN OS NO. 423/2006
MUNSIFF'S COURT, MUVATTUPUZHA.**

**EXHIBIT-P2 - A TRUE COPY OF THE ORDER DT. 30.6.2015 IN RA NO. 71/2015 IN OS NO.
423/2006 MUNSIFF'S COURT, MUVATTUPUZHA.**

RESPONDENT(S)' EXHIBITS

NIL

R.AV

//TRUE COPY//

PATO JUDGE

K.ABRAHAM MATHEW, J

O.P.(C)NO.2183 OF 2015

Dated this the 10th day of September, 2015

J U D G M E N T

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Petitioners are the plaintiffs in O.S.No.423 of 2006 on the file of the Munsiff's Court, Muvattupuzha. The suit was dismissed. AS 109 of 2008 filed challenging the decree also was dismissed. The petitioners have filed second appeal, RSA.No.639 of 2013, before this court. Meanwhile, they filed RA.No.71 of 2015 for return of the sale deed marked as Ext.A1 in the trial. BY Ext.P2 order the learned Munsiff dismissed it on the ground that the second appeal is pending.

2. Heard the learned counsel for the petitioners.

3. It is submitted that genuineness of the document sought to be returned is not in question. It is a registered document. There is no legal impediment for returning the document on substitution by a certified copy as provided in Order 13 Rule 9 C.P.C. So I am satisfied that the direction to that effect can be given to the trial court.

In the result, this O.P is allowed. The trial court is directed to return Ext.A1 sale deed without delay to the petitioners on they complying with the proviso to Order 13 Rule 9 C.P.C.

sd/-  
**K. ABRAHAM MATHEW**  
**JUDGE**

R.AV

//True Copy//

PA to Judge