

C.M.P.No.19859 of 2016
in
SECOND APPEAL No.1641 of 2001

Dr.G.JAYACHANDRAN.J.,

The petitioner/appellant has taken out this application to get back the original sale deed dated 28.10.1980 marked as Exhibit.B1, before the trial Court in O.S.No.241 of 1998 on the file of Principal Subordinate Judge, Nagapattinam.

2. The said document was filed by the petitioner in the trial Court and was admitted as evidence and assigned as Exhibit.B1. The plaintiff who lost the case before the courts below has preferred the Second Appeal.

3. Pending Second Appeal, he has entered into compromise with the respondent and by consent filed a memo to that effect in the main Second Appeal.

4. Today, this Court has recorded the memo and dispose of the Second Appeal in accordance with the memo.

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5. The petitioner/appellant seeks return of Ex.B1 for other purpose. This Court is of the view that the original may be returned to the petitioner/first defendant by substituting it with the certified copy of the Exhibit.B1. It is submitted by the representing counsel for the petitioner, that he has already taken out an application for certified copy of Exhibit.B1 and the copy application is pending for compliance.

7. The Registry is directed to expedite that application to enable the petitioner to substitute the certified copy of the Exhibit.B1 and get back the original document marked as Exhibit.B1.

8. The petitioner is directed to given an undertaking while receiving the original document that he will produce the original document to the Court as and when required.

9. With this direction, the Civil Miscellaneous Petition is allowed.

09.12.2016

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