

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.04.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

CRP (NPD) No.1333 of 2016

P.R.Shankaran

....

Petitioner

.Vs.

The Branch Manager,
Indian Bank,
West Mambalam Branch,
West Mambalam,
Chennai-600 003.

....

Respondent

Prayer : Revision Petition is filed under Article 227 of the Constitution of India, against the order in Suit UN OS SR.No.587 of 2016 on the file of the District Munsiff Court at Poonamallee, dated 25.02.2016.

For Petitioner : Mr.C.Venkatesan

ORDER

This Civil Revision Petition has been filed against the order passed by the learned District Munsiff, Poonamallee, in unnumbered suit in OS SR No.587 of 2016 dated 25.02.2016, rejecting the plaint, filed by the petitioner/plaintiff.

2. The learned counsel for the revision petitioner would submit that the order passed by the learned District Munsif, Poonamallee is illegal and therefore the revisional jurisdiction of this Court has to be invoked and not the appeal remedy.

3. A perusal of the plaint would reveal that the main prayer is only to direct the Indian Bank, West Mambalam to return the documents which are marked as Exs.A7 and A8 in O.S.No.370 of 1991, before the Subordinate Court, Poonamallee.

4. According to the learned counsel for the petitioner, these original documents are required as they are main title deeds of the plaintiff. It is not known as to the purpose for which the Indian Bank wants to retain the documents. Already the plaintiff issued a notice to the Branch Manager, Indian Bank dated 31.12.2015 asking to return the original documents which are marked as Exs.A7 and A8 and handover the same to the plaintiff.

4.1.. Though the notice was received by the Bank, there is no reply and that has made the plaintiff to come forward with the suit.

4.2. The learned counsel for the petitioner pointed out the provisions of Order 13 Rule 9 of Civil Procedure Code, in which the party

who produces the documents in the suit alone is entitled to get the document returned.

5. Admittedly, the Indian Bank produced the documents before the Court and not the Petitioner/Plaintiff. Therefore, it pointed out that the plaintiff sent the notice to the bank calling upon the Bank to return the original documents which is marked as Ex.A7 and Ex.A8

6. Under such circumstances, the plaintiff is compelled to file the suit to get the documents returned through the Assistance of Indian Bank and plaintiff has no other remedy.

7. The order passed in suit UN OS SR.No.587 of 2016 on the file of the District Munsiff Court at Poonamallee, dated 25.02.2016 is set aside. The learned District Munsif, Poonamallee is directed to take the plaint on file and to deal with the same, in accordance with law.

This Civil Revision Petition is disposed of accordingly. No costs.

28.04.2016

arr

S.VIMALA.J

arr

To

The District Munsiff Court at Poonamallee

CRP (NPD) No.1333 of 2016

28.04.2016

