



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Fifteenth day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD) No.6002 of 2016
IN
SA(MD) No.760 of 2015

MANIKANDAN,

... PETITIONER/APPELLANT

Vs

1 DHANALAKSHMI,
2 DURAIRAJ,
3 SURESHKUMAR,
4 RAMKUMAR,

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the registry to accept the certified Xerox copy of Ex.A2 dated 12.03.2009 filed in the trial court in O.S.No.20 of 2010 in the place of its original and hand over the original of Ex.A2 dated 12.03.2009 to the Petitioner herein and pass such further or other order as this Honourable Court

PRAYER IN SA(MD) No.760 of 2015:

Second Appeal against the Judgment and Decree in A.S.No.13/2014 on the file of Principal District Judge, Ramanathapuram dated:10.02.2015 confirming the Judgment and decree in O.S.No.20/2010 on the file of the Sub Judge, Paramakudi dated:14.11.2013.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. S.NATARAJAN, Advocate for the petitioner and of M/s.D.Senthil, Advocate for R1 to R4, the court made the following order:-

This petition is filed seeking a direction to the Registry to accept the certified xerox copy of Ex.A2, dated 12.03.2009 filed in the trial court in O.S.No.20 of 2010 in the place of its original and hand over the original of Ex.A2, dated 12.03.2009 to the petitioner herein.

2. It is contended that the subject matter of the above appeal is the property purchased in the name of the petitioner's mother and the properties covered under Ex.A.2 are not the subject matter of the suit as well as the present second appeal. Since the original partition deed/Ex.A.2 is required by the petitioner for availing a loan from the Bank, he has come forward with the present petition.



3. There was no representation for the respondents on earlier occasion. Even Today, there is no representation for the respondents.

4. From the judgments of the Courts below, it could be seen that the partition deed/Ex.A.2 is not with reference to the suit property.

5. In view of the factual position, this Court is of the opinion that no prejudice would be caused to the respondents, if the original of Ex.A.2 is returned to the petitioner.

6. Accordingly, this petition is allowed, however, subject to the production of a certified copy of Ex.A.2, in addition to the xerox copy of document Ex.A.2. Upon production of the certified copy of Ex.A.2, dated 12.03.2009, the Registry is directed to return the original document of Ex.A.2 to the petitioner/appellant in the Second Appeal.

sd/-

15/09/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE PRINCIPAL DISTRICT JUDGE, RAMANATHAPURAM

2 THE SUBORDINATE JUDGE, PARAMAKUDI

+1. C.C. to M/S. S.NATARAJAN Advocate SR.No.52807

Copy to: The Section Officer

VR Section,

Madurai Bench of Madras High Court, Madurai

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ORDER

IN

CMP(MD) No.6002 of 2016

IN

SA(MD) No.760 of 2015

Date :15/09/2016