



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) No.1322 of 2016 (PD)

1.Thangaraj
2.Muthusamy
Represented by
Vokkilgar Valibar Sangam Dindigul

.. Petitioners/petitioners/
Plaintiffs

Vs.

1.P.Sri Muthusamy
2.S.Natarajan
3.Venkadaraman

..Respondents/Respondents/
Defendants

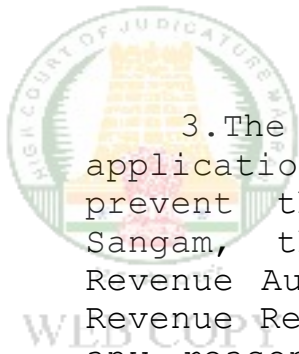
PRAYER: Civil Revision Petition is filed, under Article 227 of Constitution of India, against the fair and decreetal order in I.A.No.805 of 2015 in O.S.No.653 of 2015 passed by Principal District Munsif Court, Dindigul, dated 12.01.2016.

For Petitioners : Mr.K.P.Narayanakumar
For Respondents : Mr.S.Anand Chandrasekar
for M/s.Sarvabhauman Associates

ORDER

The petitioner has filed this Civil Revision Petition to call for the records relating to the fair and decreetal order in I.A.No.805 of 2015 in O.S.No.653 of 2015, dated 12.01.2016 passed by the Principal District Munsif, Dindigul.

2.The petitioners are the plaintiffs. The respondents are the defendants in O.S.No.653 of 2015, on the file of the District Munsif Court, Dindigul. The petitioners filed a suit in O.S.No.653 of 2015 for permanent injunction restraining the respondents from interfering with their peaceful possession and enjoyment of the suit property. The petitioners filed six documents along with plaint. The petitioners filed I.A.No.805 of 2015 for return of the documents filed by the petitioners along with plaint by substituting the same with certified copies of the document and on undertaking that original documents will be returned and produced before the court if so ordered. According to the petitioners, documents are required to take other proceedings.



3.The respondents filed counter and opposed the said application. According to the respondent with an intention to prevent the functioning of Dindigul OKKaligar Kappu Mahajana Sangam, the petitioners have given the petitions before the Revenue Authorities to change the name of the petitioners in the Revenue Records and other records. The petitioners have not given any reason for return of documents. If documents are returned, they will prevent the function of the Okkaligar Kappu Mahajana Sangam.

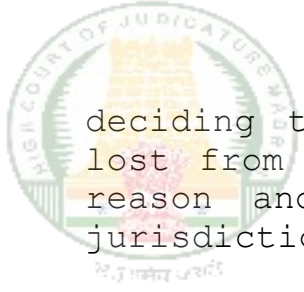
4.The learned Judge considering the averments made in the affidavit and counter affidavit and contention of the respondent in the counter affidavit filed in I.A.No.734 of 2015 that documents filed along with plaint were lost from the custody of Okkaligar Kappu Mahajana Sangam and the respondent has given a complaint to the concerned police station and if it is returned, it will create a confusion in deciding the suit, dismissed the application.

5.The learned counsel for the petitioners submitted that the reason given by the learned Judge for dismissing the application is contrary to law and it is irregular and illegal. Having held that the petitioners are entitled to get the return of documents filed by them, the trial Court erred in dismissing the application on erroneous ground. It will cause injustice to the petitioners and the learned Judge failed to see that the petitioners have filed certified Xerox copies of the documents and also given an undertaking that they will produce the documents if so ordered by the Court.

6.The learned counsel for the respondents submitted that the respondents have given a complaint to the Dindigul West Police Station that documents filed by the petitioners along with plaint, which are lost from the custody of Okkaligar Kappu Mahajana Sangam. If the documents are returned, the petitioners will produce the same before the Revenue Authorities for changing the name in the Revenue Records and other records for preventing the function of the Sangam.

7.I have heard the learned counsel appearing for the petitioner and the respondent and also perused the entire materials on record.

8.The petitioners as plaintiffs have filed six documents along with plaint. The petitioners are seeking return of five documents as mentioned in I.A.No.805 of 2015 and they have produced certified Xerox copies and also given an undertaking that they will return the documents if so ordered. The learned Judge ~~having seen the documents~~ that the petitioners are entitled to return of the documents filed by them, dismissed the application on the ground that if the documents are returned, it will create confusion in



deciding the suit and on the allegation that the documents are lost from the custody of Sangam. The said reasons are not valid reason and the learned Judge has not properly exercised his jurisdiction conferred on him.

9. In the result, the Civil Revision Petition is allowed and the order, dated 12.01.2016, passed by the Principal District Munsif, Dindigul made in I.A.No.805 of 2015 is set aside and I.A.No.805 of 2015 is allowed. No costs.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

To

1. The Principal District Munsif,
Padmanabapuram.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr. SARVA BAHUMAN ASSIOCIATES ,Advocate, Sr.No:82633

+1 cc to Mr. NARAYANA KUMAR, Advocate, Sr.No:82360

Am

MAS-SV-MMS/10.2.2017/3p-5c

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