



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

Tuesday, the Sixth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice S.RAMATHILAGAM

CMP(MD) No.742 of 2018
IN SA(MD) No.683 of 2006

1 K.PERUMAL,
2 K.KANDASAMY (DIED)

3 A.MANI,
4 A.KATHIRVEL,
5 A.NATARAJ,
6 PAPPAYEE,

... PETITIONERS/RESPONDENTS

Vs

1 K.AMMAIYAPPAN,
2 K.MARIMUTHU,
3 AMMAIYAPPAN,

... RESPONDENTS/APPELLANTS

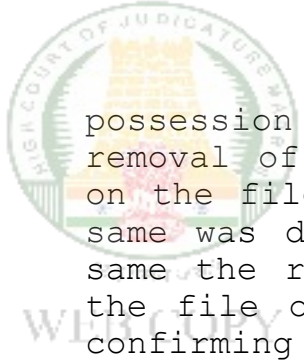
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to return the document Exhibit A1 marked in OS.No.715/2005 all the file of Principle District Munsif Court, Karur after substitution of the same with the certified copy issued by the registration department.

Prayer in SA(MD). 683/ 2006 :

To allow the SA set aside the Judgment and Decree passed by the learned District Judge, Karur dt. 12/09/2005 made in AS.18/2005 confirming the Judgment and Decree dt. 18/11/2004 made in OS.715/1995 passed by the learned Principal District Munsif, Karur and pass such or other suitable orders as deem fit and proper in the circumstances of the case and thus render justice.

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.K.GOVINDARAJAN, Advocate for the petitioner and of MR.N.SHANMUGASELVAM, Advocate for R1, the court made the following order:-

The petitioners have come forward with this petition seeking to return the document Ex A1 marked in O.S.No.715 of 2005 before the Principal District Munsif Court, Karur, after substituting the same with the certified copy of the said document.



possession with regard to 'A' schedule and mandatory injunction for removal of pipeline un-authorisedly layed in 'B' schedule property on the file of the Additional District Munsif Court, Karur and the same was decreed in favour of the petitioner. Aggrieved over the same the respondents had filed the appeal in A.S.No.18 of 2005 on the file of the District Judge, Karur and the same was dismissed confirming the trial Court judgment. Against which the second appeal has been preferred by the respondent. During the trial the petitioners have produced Ex.A1 before the trial Court in support of their evidence. Now the document is required to the petitioners. Hence, the petitioner has filed this petition for return of document by substituting the certified copy of the same issued by the Registration Department.

3.The learned counsel for the respondent also present.

4.This petition has been filed by the petitioner to return the document Ex.A1 which is marked by the petitioner being the plaintiff in the suit in O.S.No.715 of 2005. It is observed from the averments that the suit is filed for the relief of declaration and recovery of possession with regard to the 'A' schedule of property and mandatory injunction to remove the pipelines layed in the 'B' schedule property and the suit was decreed in favour of the petitioner/plaintiff. Against which an appeal was preferred by the defendants and the same was also disposed of confirming the decree and judgment of the Trial Court. Against the judgment of the first appeal the defendant has preferred the second appeal. At this juncture, the plaintiff has filed this petition to return the original document which is sale deed and gave an undertaking that he has substituted the certified copy of the registered document in the place of the original sale deed which he requires.

5.Considering the facts and circumstances of the case and since the contents of the documents and the right of the plaintiff are all very much discussed by the Trial Court while granting the decree and judgment and also in view of the undertaking given by the petitioner, the trial Court is directed to return the document to the petitioner on condition that the petitioners should substitute the certified copy of the document along with conditional undertaking that he will not sell or create any encumbrance with regard to the suit properties by taking the original sale deed.

6.In the result, this petition is allowed on the aforesaid conditions.

sd/-

06/03/2018

/ TRUE COPY /



TO

WEB COPY

1 THE ADDITIONAL DISTRICT MUNSIF
KARUR

2 THE DISTRICT JUDGE
KARUR

+1. C.C. to M/S.K.GOVINDARAJAN Advocate SR.No.3514

ORDER
IN
CMP (MD) No.742 of 2018
IN
SA (MD) No.683 of 2006
Date :06/03/2018

SMA/VR/SAR-2/19.03.2018:3P/4c