



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

Wednesday, the Thirty First day of October Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

CMP(MD) No.8285 of 2017

IN

SA(MD) No.1561 of 2004

J.MOHAMMAD RAHAMATHULLA,

... PETITIONER/RESPONDENT

Vs

A.MOHAMMED ALI,

... RESPONDENT/APPELLANT

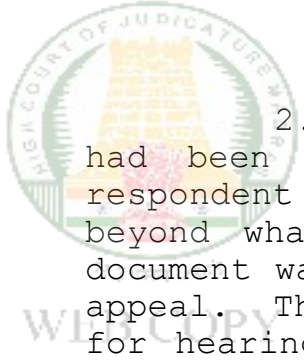
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to return the original sale deed dated 15.09.1980 (Ex.B1) to me after substituting the same by certified copy (SRO copy) and thus render justice.

PRAYER IN SA(MD) No.1561 of 2004:-

To prefer this Memorandum of second Appeal to this Hon'ble Court against the Decree and Judgment of the Court of the Additional Subordinate Judge, Dindigul, made in A.S.No.99 of 2003 dated 16.04.2004, reversing the Decree and Judgment of the Court of the First Additional District Munsif, Dindigul, made in O.S.No.109 of 1999 dated 26.04.2002.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.GEORGE RAJA Advocate for M/S.AJMAL ASSOCIATES, Advocate for the petitioner and of MR.G.GOMATHI SANKAR on behalf of the Respondent the court made the following order:-

This petition has been filed by the respondent in second appeal seeking to return the original sale deed dated 15.09.1980 marked as Ex.B.1. It is stated in the affidavit filed in support of this petition that this document is required since a family arrangement is to be executed and the son and daughter would be amenable to be enter into the family arrangement only on seeing the sale deed. The said document had been marked on the side of the present petitioner who was the defendant in the suit in O.S.No.109 of 1999 on the file of the I Additional District Munsif Court, Dindigul.



2.A counter has been filed by the respondent/appellant. It had been stated that the sister of the present petitioner / respondent in the appeal had executed the said document 1 ½ feet beyond what she was entitled to. It was stated that the said document was very much essential to decide the issues in the second appeal. The second appeal is of the year 2004. A date can be fixed for hearing the second appeal itself. In the meanwhile, imposing necessary condition the document can be returned to the petitioner.

3.In the affidavit filed the petitioner, he has given an undertaking that if the document is necessary for hearing, he would produce the same before this Court. Quite apart from this while returning the document, the Registry is directed to obtain an acknowledgement and also undertaking that third party interests would not be created by using the document and the document should not be used to create any encumbrance or even be given as collateral security or used for any other encumbrance. The Registry may also obtain proper acknowledgement in writing while returning the document. With the above conditions this petition is allowed. The petitioner is to substitute a certified copy for the Court records. The Registry may also note in the bundle that the original Ex.B.1 has been returned to the respondent by order of this Court.

sd/-
31/10/2018

/ TRUE COPY /

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

TO

1. THE I ADDITIONAL DISTRICT MUNSIF,
DINDIGUL.

2.THE ADDITIONAL SUBORDINATE JUDGE,
DINDIGUL.

+1. C.C. to MR.G.GOMATHI SANKAR, Advocate SR.No.20934
+1. C.C. to M/S.AJMAL ASSOCIATES, Advocate SR.No.20899

ORDER
IN
CMP(MD) No.8285 of 2017
IN
SA(MD) No.1561 of 2004
Date :31/10/2018