



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

Friday, the Seventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.10440 of 2018
IN
SA(MD) No.1091 of 2011

1 GNANASUNDARAM
2 BALASUBRAMANI
3 ALAGIASUNDARAM
4 JEYANANDAM

... PETITIONERS/RESPONDENT

Vs

MUTHURAJAKKAL MADAM
THROUGH ITS SECRETARY.

... RESPONDENT/APPELLANT

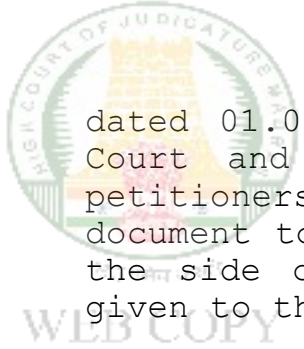
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to return the original settlement deed dated 01.07.1952 marked as Ex.B43 in O.S.No.665 of 1996 on the file of the District Munsif Court, Palani, pending disposal of the above second appeal and thus render justice.

Prayer in SA(MD). 1091/ 2011 :

To file this Memorandum of Grounds of Second Appeal against the Judgment and Decree of the Subordinate Judge, Palani dated 28/04/2011 in AS.No.33/2007 confirming the Judgment and Decree passed by District Munsif, Palani dated 18/07/2007 in OS.No.665/1996.

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.R.VIJAYAKUMAR, Advocate for the petitioner and of Mr.CHANDRASEKAR for Mr.SARVABHUM ASSOCIATES, Advocate for the Respondents the court made the following order:-

On the side of the petitioners, it is stated that the respondent has filed O.S.No.665 of 1996 before the learned District Munsif, Palani and the suit was dismissed on 18.07.2007. The respondent herein has filed an appeal in A.S.No.33 of 2007 on the file of the Sub Court, Palani. The appeal was also dismissed on 28.04.2011. As against the dismissal of the appeal, the present second appeal was filed. It is stated that original settlement deed



dated 01.07.1952 was filed and marked as Ex.B43 before the trial Court and that the said original document is required by the petitioners to settle the family disputes. Hence, he prayed the document to be returned to the petitioners. No counter was filed on the side of the respondent even after sufficient opportunity was given to them.

2. When the matter was taken up today, the learned counsel appearing for the respondent reported no objection in returning the documents.

3. Accordingly, this petition is allowed. The Registry is directed to return the document, Ex.B43 on condition that the same is to be replaced by certified copies on acknowledgement and on undertaking that the original is to be returned as and when required by the Court.

sd/-
07/12/2018

/ TRUE COPY /

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

TO

- 1 THE DISTRICT MUNSIF COURT,
PALANI.
- 2 THE SUBORDINATE JUDGE,
PALANI.

COPY TO

THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

PS/VR-MMS/SAR-2/12/12/2018/2P/4C

ORDER
IN
CMP(MD) No.10440 of 2018
IN
SA(MD) No.1091 of 2011
Date : 07/12/2018