



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

Friday, the Fifth day of October Two Thousand Eighteen

WEB COPY

PRESENT

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

CMP(MD) No.6941 and 9500 of 2018

IN

AS(MD) No.185 of 2007

1 P.SRINIVASAN
2 P.AYYADURAI
3 P.RADHAKRISHNAN
4 P.BASKAR
5 P.RAVINDRAN

... PETITIONERS/APPELLANTS
IN BOTH THE PETITIONS

Vs

1 T.SAMUEL SUNDARSINGH
2 ENJELA THANGER
3 ASILA MARAGATHAM
4 ROSLIN SORNATHAIAMMAL

... RESPONDENTS/RESPONDENTS
IN BOTH THE PETITIONS

Prayer in CMP(MD).6941/2018 :

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 02.09.1992 (Ex.B2) to the Petitioner after substituting the same by certified copy (SRO copy) and thus render justice.

Prayer in CMP(MD).9500/2018 :

To amend the documents date and exhibit number as 'sale deed dated 15.05.2000 (exhibit.A9)' instead of 'sale deed dated 02.09.1992 (Ex.B2)" in the prayer in petitio in C.M.P.(MD)No.6941 of 2018 in AS(MD)No.185 of 2007 and thus render justice.

Prayer in AS(MD).185/2007 :

To Set-aside the Judgment and Decree made in OS.No.70/2004, on the file of the Additional District Court/ Fast Track Court NO.I, Tuticorin, dated 05/07/2007 and thus render justice.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of MR.IBRAM SAIBU for M/S.AJMAL ASSOCIATES, Advocate for the petitioner and of MR.VENUGOPAL for M.S.G.PRABHU RAJADURAI, Advocate for R1, and MRS.P.JESSI JEEVA PRIYA for



MRS.A.BHUVANESWARI, Advocate for R4, and R2, R3 not appeared either in person or by an Advocate, the court made the following order:-

C.M.P.(MD)No.6941 of 2018 had been filed seeking return of original sale deed, dated 02.09.1992, which was mentioned in the petition as Ex-B2.

2.In the affidavit filed in support of this petition, it had been stated that the actual document, which is required to be returned is Ex-A9, dated 15.05.2000. In view of the discrepancies between the affidavit and the petition, C.M.P.(MD)No.9500 of 2018 had been filed to amend the petition in C.M.P.(MD)No.6941 of 2018 seeking amending the words "Ex.B2, sale deed, dated 02.09.1992" to "Ex-A9, sale deed, dated 15.05.2000".

3.In the affidavit filed in support of the said petition, the petitioner had undertaken to produce the original document as and when required by the Court. It is made clear that the petitioner cannot create any encumbrance using the document or deal with the property mentioned in the document. It has also been stated that certified copy of the sale deed has been produced along with the petition.

4.In view of the undertaken given, namely, that if the document Ex-A9 is necessary for hearing, it would be submitted before the Court and encumbrance shall not be created over the property, the applications are allowed.

5.Registry is directed to carry out necessary amendments in the petition in C.M.P.(MD)No.6941 of 2018 and the original sale deed is to be returned on proper acknowledgement and identification and with necessary endorsements.

sd/-

05/10/2018

/ TRUE COPY /

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

TO

THE ADDITIONAL DISTRICT JUDGE,
FAST TRACK COURT-I, TUTICORIN.

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

+1. C.C. to M/S.AJMAL ASSOCIATES Advocate SR.No.19080

ORDER IN

CMP(MD) No.6941 & 9500 of 2018
IN AS(MD) No.185 of 2007

Date :05/10/2018