

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2019

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

C.R.P.[PD]No.16 of 2019

G.Saraswathi

..Petitioner

Vs.

M/s. Lyra Developers Private Limited,
represented by Vahid Mirza,
No.514, Dalam Towers,
Nariman Point,
Mumbai-400 021.

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order in I.A.No.1182 of 2018 in O.S.No.278 of 2011, dated 18.12.2018 on the file of District Munsif Court, Chengalpet and to direct the learned District Munsif to return the Ex.A2 to the petitioner.

For Petitioner : M/s Christy Lydia

For Respondent : No Appearance

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order in I.A.No.1182 of 2018 in O.S.No.278 of 2011, dated 18.12.2018 passed by the learned District Munsif and direct the learned District Munsif, Chengalpet, to return the original document viz., Ex.A2-Settlement Deed to the petitioner.

2. Though notice has been served on the respondent and his name was printed in the cause list today, none appeared on his behalf.

3. The Interlocutory Application filed by the petitioner/plaintiff herein, under Order 13 Rule 9 of CPC., to return the original document Ex.A2-Settlement Deed dated 14.08.2008, registered as Doc.No.6934 of 2008 in the office of the Joint Registrar-II, Chengalpet, was dismissed by the Court below and the same has been challenged in this revision.

4. In the instant case, the respondent herein has also

made an endorsement in the petitioner's application filed under Order 13 Rule 9 of CPC., stating that the petition may be allowed on endorsement that the original shall be given for interim period. While such an endorsement is made, there was no justification on the part of the learned District Munsif to reject the petitioner's claim.

5. As such, the impugned order in I.A.No.1182 of 2018, dated 18.12.2018 passed by the learned District Munsif, Chengalpet, is set aside. Consequently, the petitioner is called upon to file an affidavit before the learned District Munsif, Chengalpet, undertaking to return the original document viz., Ex.A2-Settlement Deed dated 14.08.2008, registered as Doc.No.6934 of 2008 within a period of three months from the date of receipt of the affidavit. On receipt of such an affidavit, the learned District Munsif, Chengalpet, shall handover the original document viz., Ex.A2-Settlement Deed dated 14.08.2008 to the petitioner herein, after receiving a copy of the same.

6. With the above observations, the Civil Revision

24.01.2019

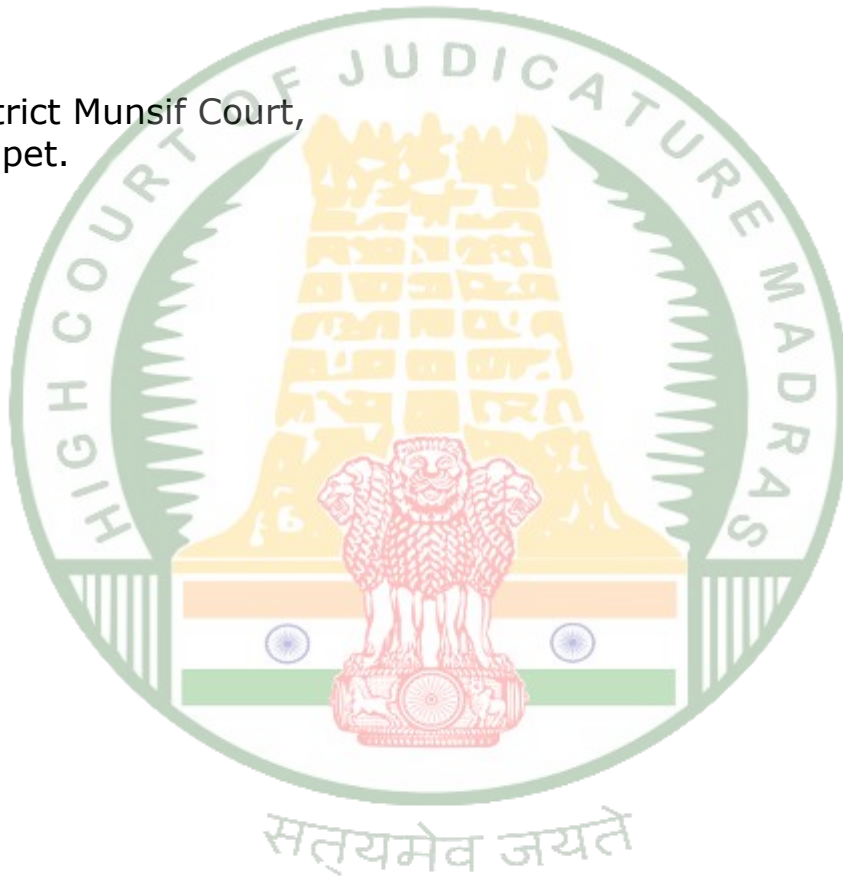
msm

Index : Yes/No

Internet : Yes/No

Speaking Order : Yes/No

To

The District Munsif Court,
Chengalpet.**WEB COPY****M.S.RAMESH.J,**

C.R.P.[PD]No.16 of 2019



24.01.2019

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