

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(P.D).No.1735 of 2016

K.Muthuswamy (deceased)

1.M.Logumani

2.M.Arunprasath

...Petitioners

Vs

M.N.Venkatachalam (deceased)

1.Mangammal

2.Sounthiram

3.M.V.Subramanian

4.M.V.Senthilkumar

5.M.Parthasarathy

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 21.01.2016 made in R.P.No.56 of 2015 in O.S.No.4 of 2000 on the file of District Munsif Court, Sathyamangalam.

For Petitioners

: Mr.Sankar Ramasamy

for Mr.P.Saravana Sowmiyan

For R1 to R3

: Notice served

For R4

: Mr.S.Lakshmanasamy

For R5

: Given up

ORDER

This Civil Revision Petition is directed against the fair and decreetal order dated 21.01.2016 made in R.P.No.56 of 2015 in O.S.No.4 of 2000 on the file of District Munsif Court, Sathyamangalam, thereby dismissing the petition filed for return of documents, which were marked as Exs.B1 to B12 in O.S.No. 4 of 2000.

2. The petitioners are the legal representatives of the deceased second defendant. The respondents 1 to 4 herein filed a suit against the petitioners' father and others in respect of the suit property. The Trial Court decreed the suit by a Judgment and Decree dated 11.01.2008. Aggrieved by the same, the petitioners' father viz., the deceased second defendant preferred an appeal in A.S.No.15 of 2008 and the same was allowed by a Judgment and Decree dated 13.10.2009. As against the Judgement and Decree, the respondents 1 to 4 did not prefer any second appeal before this Court, till today. Therefore, the petitioners filed a petition for return of the original documents, which were marked as Exs.B1 to B12 in O.S.No.4 of 2000 and the same was dismissed only on the ground that the respondents 1

to 4 herein filed a Second Appeal as against the Judgment and Decree dated 13.10.2009 in S.A.SR No.3352 of 2015, which is pending. Now, it is clarified that no appeal has been numbered even till today as against the Judgment and Decree passed in A.S.No.15 of 2008 dated 13.10.2009. Therefore, the petitioners are entitled to receive their original documents which were marked in Exs.B1 to B12 in the main suit by substituting the certified copies.

3. Accordingly, the order passed by the Trial Court dated 21.01.2016 made in R.P.No.56 of 2015 in O.S.No.4 of 2000 on the file of District Munsif Court, Sathyamangalam, is hereby set aside and the Civil Revision Petition is allowed. The Court below is directed to return the original documents which were marked as Exs.B1 to B12 by substituting the certified copies, forthwith. No costs. Consequently, connected Miscellaneous Petition is closed.

22.03.2021

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No
lpp

G.K.ILANTHIRAIYAN.J,

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To
The District Munsif Court,
Sathyamangalam.



C.R.P.(P.D).No.1735 of 2016

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