



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

Thursday, the Fifteenth day of April Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CMP(MD) No.3136 of 2021
in
SA(MD)No.622 of 2014

CAYTON FERNANDO

... PETITIONER/APELLANT

Vs

1 M.A.SULTHAN
2 M.A.MOHIDEEN THAMBI
3 RENUKA
4 INDIRA

... RESPONDENTS/RESPONDENTS

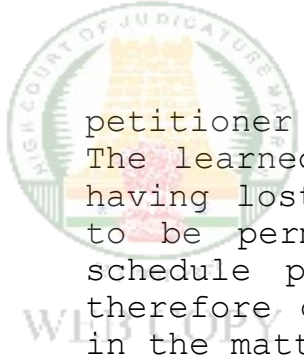
Prayer in CMP(MD) No.3136 of 2021:- Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to return the documents marked B1, B2, B4 to B7 (i) Exhibit B1 dated 31.10.96 Sale deed Original. (ii) Exhibit B2 dated 24.01.97 Sale deed Original. (iii) Exhibit B4 dated 10.05.06 Sale deed Original. (iv) Exhibit B5 dated 30.01.08 General power deed Original. (v) Exhibit B6 dated 08.06.09 sale deed original. (vi) Exhibit B7 dated 08.06.09 sale deed original and thus render justice.

Prayer in SA(MD)No.622 of 2014:- Second Appeal are filed under section 100 of Civil Procedure Code, praying this Hon'ble Court against the judgment and decree dated 12.04.2013 passed in A.S.No.81 of 2011 on the file of the Sub Judge, Thoothukudi confirming the judgment and decree dated 08.02.2011 passed in O.S.No.66 of 2010 on the file of the Additional District Munsif court, Tiruchendur and set aside the same.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.G.PRABHU RAJADURAI, Advocate for the petitioner and the court made the following order:-

This civil miscellaneous petition has been filed by the appellant seeking return of the petition mentioned documents.

2.The petition mentioned documents were marked during the trial as exhibits. In the affidavit filed in support of the civil miscellaneous petition, the petitioner had stated that the



petitioner wants to execute settlement deed in favour of his son. The learned counsel for the respondents would point out that after having lost before both the Courts below, the petitioner ought not to be permitted to make any alienation in respect of the suit schedule property during the pendency of the second appeal. I therefore called upon the petitioner's counsel to get instructions in the matter from the petitioner.

3.Today when the matter was taken up for hearing, the petitioner's counsel stated that the petitioner has undertaken not to alienate or deal with the suit schedule property. Since the document covers a larger extent, it is open to the petitioner to execute settlement deed in respect of the remaining extent of land.

4.Recording the petitioner's undertaking not to deal with or encumber or alienate the suit schedule property, this civil miscellaneous petition is allowed.

sd/-
15/04/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SUBORDINATE JUDGE, THOOTHUKUDI.

2 THE ADDITIONAL DISTRICT MUNSIF, TIRUCHENDUR.

Copy To: The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CMP(MD) No.3136 of 2021
in SA(MD)No.622 of 2014
Date :15/04/2021

IAS
CSL/30.04.2021 : 2P/4C