



WMP.No.598 of 2022
in W.P.No.14358 of 2021

WEB C **R. MAHADEVAN, J.**

This miscellaneous petition has been filed by the petitioner seeking to rectify the error/mistake crept-in in the affidavit filed in support of the writ petition, as regards the word 'Co-Applicant' instead of 'Witness' and direct the 2nd respondent to return the original documents in respect of the subject property viz., Door No.2595, EWS B-Type, TNHB Ayyapakkam, Chennai – 600 077, to the petitioner, without insisting the consent of her sons or their presence.

2. According to the learned counsel for the petitioner, in the affidavit originally filed in the writ petition, it was inadvertently averred by the petitioner that the 2nd respondent insisted her to appear along with the co-applicants for getting the original documents pertaining to the subject property. But, in fact, there was no co-applicant in respect of the loan obtained by the petitioner and her sons stood as only witnesses to the same. In such an event, the question of appearance of the co-applicants along with the petitioner before the second respondent for getting the original documents relating to the subject property, after settlement of the entire loan amount, will not arise herein. In support of the same, the learned counsel has produced a copy of the



memorandum of deposit of title deeds dated 28.04.2017 executed by the petitioner in favour of the second respondent. Therefore, the learned counsel prayed to rectify the mistake crept-in and pass necessary orders, based on the averments made in the affidavit filed by the petitioner.

3. Heard the learned counsel appearing for the first respondent and also perused the document produced on the side of the petitioner.

4. Considering the fact that the title deeds of the property stand in the name of the petitioner, who is the applicant of the loan obtained from the second respondent and the entire loan amount was settled by the petitioner and having regard to the submissions made by the learned counsel for the petitioner coupled with the documents placed, which appear to be *bona fide*, this court is inclined to modify the order dated 04.10.2021 passed in WP.No.14358 of 2021, after deleting a condition that “*subject to production of 'no objection / consent letter' to the second respondent through the petitioner*” to the following effect:

“The petitioner shall appear before the second respondent along with the necessary proof for payments etc. and on such appearance and upon verification of the documents, the second respondent shall hand over the original documents pertaining to the subject property to the petitioner within a period of two weeks



thereafter ”.

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5.This miscellaneous petition is disposed of accordingly.

28.01.2022

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R. MAHADEVAN, J.

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