



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Eleventh day of March Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE C.V.KARTHIKEYAN

CMP.NO.2715 OF 2022

IN AS.NO.237 OF 2017

1 ANUSHYA [PETITIONERS]

2 SUGUNA DEVI

3 K.VASANTHA

4 K.JOTHI

Vs

1 JAYAPAL [RESPONDENTS]

2 MANOHARAN

3 S.ANBUSELVAM

4 SARAIVANAN

5 J.BABUJI

6 RENUGADEVI

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to return the Original Settlement Deed dated 19.02.1999 marked as Exhibit C2 after substituting the certified copy of Exhibit C2 issued by this Hon'ble Court, enclosed with this Petition (in CMP.NO.2715 OF 2022).

Order: This miscellaneous petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.C.JAGADISH, Advocate for the petitioners, the court made the following order:-

Heard both the learned counsels.

2.This petition has been filed by the appellants herein, who were the plaintiffs in O.S.No.46 of 2011 which was on the file of the Principal District Court, Namakkal. The said suit had been dismissed, necessitating filing of the present Appeal Suit.



3. During the course of trial, a particular Settlement Deed dated 19.02.1999 had been marked as Ex.C2. This petition has been filed seeking return of the said Settlement Deed. It was executed by Jayaganthammal in favour of the 4th appellant / Jothi @ Jothibai. It is stated that the appellants herein are prepared to substitute a certified copy and also stated that the said document was not a pivotal document to decide the issues in the suit, but rather sought by the Trial Court to compare the signatures. Learned counsel also stated that the document shall be produced back for reference, if ever it is required by this Court or so sought by the learned counsel for the respondent.

4. In view of these facts, the petition is allowed. The Registry is directed to return the original Settlement Deed dated 19.02.1999 marked as Ex.C2, during the course of trial and a certified copy of the same may be kept in the Court record and additionally, a xerox copy of the same may also be kept in the record, in view of the fact that signature appears to be some importance. An undertaking / endorsement may also be obtained in the certified copy, which is substituted, that the original, shall be returned back to the Court for consideration of this Court, if sought for.

5. With the said observation, the present Civil Miscellaneous Petition is allowed. The Registry may return the document when this order copy is presented by the learned counsel for the petitioners.

-sd/-

11/03/2022

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE PRINCIPAL DISTRICT JUDGE,
NAMAKKAL.

COPY TO

THE SECTION OFFICER,
VR SECTION, HIGH COURT, MADRAS-104.

C.C. to M/S.C.JAGADISH, Advocate SR.NO.1756/2022.

Order
in

CMP.NO.2715 OF 2022

IN AS.NO.237 OF 2017

Date :11/03/2022

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format