



C.R.P.No.3622 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3622 of 2022

R.Venkatachalam

...Petitioner

Versus

1. E.Saroja (Deceased)

2. R.S.Devi

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of Code of Civil Procedure, pleaded to set aside the fair and decreetal in I.A.No.1 of 2021 in O.S.No.731 of 2008 dated 01.04.2022 passed by the learned VII Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.S.Balasubramanian

For Respondent : Mr.R.Babu

O R D E R

The Civil Revision Petition is filed challenging the order passed by the Court below dismissing the petition filed by the petitioner seeking return of the document marked as Ex.A1 in O.S.No.731 of 2008.



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2. The first respondent herein filed a suit for declaration, injunction against the second respondent in O.S.No.731 of 2008. In the said suit, title document of the suit property was marked as Ex.A1. Subsequently, the suit was compromised between the parties and the Lok-Adhalat award was passed declaring the title of the first respondent.

3. According to petitioner, the first respondent sold the property to the petitioner on 13.06.2014. Subsequently, the first respondent died on 27.10.2018. Now, the petitioner wants to get back the original title document filed before the Court in O.S.No.731 of 2008. The petition filed by the revision petitioner was opposed by the second respondent on the ground that the deceased first respondent have got two legal heirs namely Thirunavukkarasu and Baskar and suppressing the said fact, the petition has been filed.

4. The Court below dismissed the petition for return of document filed by the petitioner on the ground that request of the petitioner cannot be considered in the absence of legal heirs of the first respondent. Though the petitioner claims that the first respondent has no legal heirs, the second respondent filed the counter and mentioned the names of the person who are said to be the legal



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heirs of the first respondent. Therefore, it is open to the petitioner to file a fresh application for return of document by impleading the said Thirunavukkarasu and Baskar, said to be the legal heirs of the first respondent.

5. With these observations, this Civil Revision Petition stands dismissed.

No costs.

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Index: Yes/ No

Speaking Order / Non-Speaking Order

To

The VII Assistant Judge,
City Civil Court, Chennai.



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S.SOUNTHAR, J.

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