



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.03.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P (MD).No.363 of 2022

M.Chitradevi

...Petitioner/Defendant

Vs.

1.A.Muthusamy

2.Kandasamy

...Respondents/Plaintiffs

PRAYER : This Civil Revision Petition is filed under Section 227 of the Constitution of India, challenging the fair and decretal order dated 05.04.2021 passed in I.A.No.1 of 2021 in O.S.No.234 of 2020 on the file of District Judge, Karur.

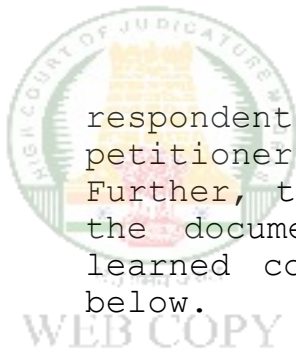
For Petitioner : Mr.K.Govindaraj
for Mr.S.Ponsenthilkumaran

For Respondents : Ms.Nivedhitha
for Mr.R.Devaraj

O R D E R

This Civil Revision Petition has been filed by the petitioner / defendant, to set-aside the fair and decretal order dated 05.04.2021 passed in I.A.No.1 of 2021 in O.S.No. 234 of 2020 on the file of the learned District Judge, Karur in and by which, the petitioner was directed (i) to execute and register mortgage discharge receipt on or before 21.04.2021 (ii) to give no objection for returning title document filed by the petitioner in O.S.No.234 of 2020, on the file of this Court and (iii) on fulfilling the above condition, the sum of Rs.13,20,500/- lying in the deposit of the Principal District Court, Karur, shall be transferred to the bank of the petitioner through RTGS or NEFT transfer." Aggrieved by the said order, the petitioner has filed the present Civil Revision Petition.

2.The learned counsel appearing for the petitioner / defendant would submit that the Court below ought to have directed the respondents / plaintiffs to get return of original documents and handover the same to the petitioner within a time limit. If the



respondents are allowed to takeaway the amount deposited by the petitioners, it would seriously prejudice them besides loss. Further, the order of the Court below does not specifically mention the documents to be handed over to the petitioner. Hence, the learned counsel prayed for setting aside the order of the Court below.

3.Per contra, the learned counsel for the respondents / plaintiffs would submit that the order passed by the Court below is a fair, just and a valid one in the eye of law and the same need not be interfered by this Court. Hence, prayed for dismissal of the Revision Petition.

4.I have heard the learned counsel appearing on either side and perused the materials available on record.

5.Considering the facts and circumstances of the case, this Court is inclined to pass the following orders:-

(i)The revision petitioner/defendant should issue discharge receipt before the Court below, while receiving the amount deposited in the Court.

(ii) Registration of mortgage discharge receipt is not necessary. However, the revision petitioner/defendant is directed to **(*)withdraw the amount directly from the Court, after filing cheque application.** It is made clear that the amount should not transferred to the account of the petitioner.

6.With the above direction, this Civil Revision Petition is partly allowed. No costs.

Sd/-

Assistant Registrar (CS III)

(*)Corrected as per the vide Court order dated 12/04/2022 made in CRP(MD) .No.363 of 2022

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct

<https://hcservices.ecourts.gov.in/hcservices/>



copy, shall be the responsibility of the advocate / litigant concerned.

To

(*)To be substituted to the order already despatched on 29/03/2022

The District Judge,
Karur.

+1 CC to M/s.S.PONSENTHILKUMARAN, Advocate (SR-10232[F] dated 04/03/2022)

C.R.P(MD).No.363 of 2022
02.03.2022

MGJ(24.03.2022) 3P 3C

RK(06/05/2022) 3P 3C