



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2022

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WEB COPY

THE HONOURABLE **MS.JUSTICE P.T.ASHA**

C.R.P. (MD)No.1232 of 2021

Uma Suryan

... Petitioner

Vs.

1.Ammaiyakkal

2.S.Selvaraja

3.Anbuvalli

... Respondents

PRAYER:- Civil Revision Petition filed under Section 115 CPC., to set aside the fair and decreetal order passed by the learned Principal District Judge at Madurai in D.R.P.No.15 of 2020 in O.S.No.60 of 2012 dated 12.03.2021 and to direct the learned Principal District Judge at Madurai to return of documents Ex.B6 to Ex.B27 filed in D.R.P.No.15 of 2020 in O.S.No.60 of 2012.

For Petitioner : Mr.T.K.Rajasekaran

For R1 & R2 : No Appearance

For R3 : Mr.K.K.Ramakrishnan

ORDER

The revision petitioner is the first defendant, who is challenging the dismissal of his petition filed under Order XIII Rule 9 for return of Exs.B6 to B27 filed by him.

2.Brief facts of the case are as follows:

The respondent/plaintiff had filed the suit in O.S.No.60 of 2012 on the file of the Principal District Judge, Madurai, which was made over to the I Additional District Court, Madurai. In the said suit, the first defendant had filed Exs.B6 to B27. Ultimately, the suit was dismissed by a judgment and decree dated 18.09.2020. The revision petitioner/first defendant filed a petition in DRP.No.15 of 2020 for the return of the documents for enabling him to pay tax and get the same transferred into his name. The plaintiffs 1 and 2, who are the respondents 1 and 2 herein, had filed a counter stating that the petition was not maintainable and did not satisfy the requirements under Order XIII Rule 9. Judgment was pronounced on 18.09.2020 and copy application had been filed and after obtaining



certified copies, the second plaintiff/second respondent had filed an appeal in AS.(MD)No.50 of 2021 on the file of this Court on 16.12.2020 and since the appeal is pending, the documents cannot be returned. The third respondent had filed a counter also on same lines and submitting that he would be entitled to receive the documents back once the appeal is disposed of. The learned Judge taking note of the fact that AS.(MD)No.50 of 2021 is pending on the file of this Court and records had been called for by order dated 25.02.2021, the Court could not pass orders for returning the documents. Therefore, petition was dismissed. The said order is the subject matter of challenge.

3.Perusal of the impugned order does not show any infirmity, since it is seen that the judgment has been challenged before this Court and this Court has directed the records to be transferred to the file of this Court. In these circumstances, the learned Judge cannot pass orders for return of the document. If the petitioner so pleases, it is always open for him to move this Court for appropriate orders. In the above circumstances, the civil revision petition is dismissed confirming the order passed in D.R.P.No.15 of 2020 in O.S.No.60 of 2012. No costs.

Sd/-

Assistant Registrar(CS-T & P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

gns

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

To

The Principal District Court,
Madurai.

C.R.P. (MD)No.1232 of 2021
11.01.2022

GM(CO)

TR(03.02.2022) 2P 2C