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C.M.P. No. 3076 of 2023
in S.A.No.206 of 2014

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S.A.No.206 of 2014

T.V.THAMILSELVI, J.

This matter is taken up for hearing under the caption “For Being Mentioned” today at the instance of the learned counsel for the petitioner.

2. The learned counsel for petitioner would submit that this Court by an order on 09.08.2023 ordered the above Civil Miscellaneous Petition. However, they need some modification in the order and accordingly, the matter is listed today.

3. Heard the contentions of learned counsel for petitioner and perused the order.

4. Considering his submissions, paras 2 and 3 of the order shall be substituted as follows :-

“2. Notice issued to the respondent. Today, when the



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matter taken up for hearing, there is no representation on the side of respondent. The learned counsel for petitioner submitted that the settlement deed is the title document, which confers title to the petitioner and apart from the suit property, other properties also included. Now, he wanted to mortgage the property to obtain a loan from the bank. So, he need a original document in order to submit the same before the bank to get a loan. Hence, he prayed to return the original settlement deed marked as Ex.B3 along with the signature of attestors, which were marked as Ex.B1 and B2.

3. Admittedly, though the documents are marked as Ex.B1 to Ex.B3, the relief claimed before this court is only with regard to half share in the Well. Therefore, considering the submissions of learned counsel for petitioner and the reasons assigned by him in the affidavit seems to be justifiable one, the documents are ordered to be returned on filing an undertaking affidavit stating that he would produce the same as and when required. Accordingly, this petition is allowed and the Registry is directed to return the original settlement deed marked as Ex.B3 along with signature of attestors marked as Ex.B1 and Ex.B2 by obtaining certified copy of settlement deed along with undertaking affidavit to produce the same as and when required within a period of two weeks from the date of receipt of copy of



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5. Registry is directed to incorporate above correction in the Order of this Court in C.M.P.No. 3076 of 2023 in S.A. No.206 of 2014 dated 09.08.2023 and issue fresh order copy to the petitioner.

10.10.2023

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