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C.R.P.No.1713 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

C.R.P.No.1713 of 2019

1.Mrs.Jaya
2.Mrs.A.Dhanalakshmi
3.Mr.N.S.Saravanan

... Petitioners

Vs.

1.Mr.R.Krishnan
2.Mr.R.Harirajan

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to issue directions to the Sub-Court, Dharmapuri to take on file the unnumbered I.A.No. Of 2016 relating to ARD Application No.4761 of 2016 filed by the petitioners.

For Petitioners : Ms.S.Sweda for
M/s.Arun Anbumani

For Respondents : No Appearance



C.R.P.No.1713 of 2019

ORDER

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This Civil Revision Petition has been filed for a direction to the Court below to take on file the Interlocutory Application filed by the petitioners seeking for the return of certain original documents that were marked in the suit in O.S.No.125 of 1993.

2.The respondents filed a suit in O.S.No.125 of 1993 against N.S.Venugopal and others, seeking for the relief of partition. The suit was decreed through Judgment and Decree dated 23.04.1997. Aggrieved by the same, the defendants filed an appeal before this Court in A.S.No.49 of 1999. The appeal was dismissed as withdrawn on the ground that there was a family arrangement between the parties and that the entire dispute had been settled out of Court. Recording the same, the appeal was dismissed as withdrawn through an order dated 01.10.2009.

3.The petitioners are the legal representatives of one Mr.N.S.Spance, who was the 2nd defendant in the suit. The petitioners filed an Interlocutory Application seeking for the return of Exs.B1 to B327, which were documents marked in the suit. These documents were sought for by the petitioners on the ground that



pursuant to the family arrangement, the original documents are required in order to carry out the necessary mutation in the revenue records and for assessment of the property to Property Tax.

4.The grievance of the petitioners is that the Court below did not entertain this application and it was returned every time on one ground or the other. Accordingly, the petitioners have sought for appropriate directions before this Court.

5.Heard Ms.S.Sweda, learned counsel appearing on behalf of the petitioners.

6.Taking into consideration the facts and circumstances of the case and also of the fact that the entire dispute had already been settled between the parties and the petitioners require the return of certain original documents to carry out the necessary mutation in the revenue records and for assessment of property tax, there shall be a direction to the Court below to entertain the application and deal with the same in accordance with law. The Court below shall pass orders in the Interlocutory Application, within a period of four weeks from the date of re-



C.R.P.No.1713 of 2019

presentation of the application by the petitioners.

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7.The original petition was filed before this Court and there shall be a direction to the Registry to return back the original petition to the learned counsel for the petitioners after retaining a copy of the same for records.

8.This Civil Revision Petition is disposed of with the above directions. No Costs.

10.01.2023

Internet : Yes ./ No
Index : Yes ./ No
Speaking Order / Non Speaking Order
Neutral Citation Case : Yes ./ No
SSR



C.R.P.No.1713 of 2019

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To
The Sub-Court,
Dharmapuri.



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C.R.P.No.1713 of 2019

N. ANAND VENKATESH, J.

SSR

C.R.P.No.1713 of 2019

10.01.2023