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C.R.P.No.4882 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.4882 of 2023

D.Venkatachalam

... Petitioner

-Vs-

S.Senthilkumar

... Respondent

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside order dated 04.07.2023 passed in ARD.SR.No.5354 of 2023 in O.S.No.55 of 2018 on the file of Subordinate Court, Sankari.

For Petitioner

: Mr.R.Ezhilarasan

ORDER

Challenging the impugned order passed in ARD.SR.No.5354 of 2023 in O.S.No.55 of 2018 passed by the learned Sub-Judge, Sankari, the Revision Petitioner/defendant preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial



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judge, notice to the respondent is dispensed with.

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3. Before the trial court, the revision petitioner is the defendant in the suit in O.S.No. 55 of 2018, which was filed by the respondent/plaintiff. During the pendency of proceedings, a compromise was arrived between the parties. Accordingly, the defendant has paid a sum of Rs.7 lakhs as full consideration on 12.06.2023 and the sale agreement is also cancelled, thereby the suit was also dismissed on 12.06.2023 not pressed on the same day. Thereafter, the revision petitioner/defendant seeking the court to return the original documents filed by the respondent/plaintiff. In that petition, plaintiff has also raised no objection. But, without taking the petition on file, the trial judge returned the petition in a vague manner that those documents need not be handed over to him. Aggrieved over the same, the Revision Petitioner/defendant preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioner would submit that already the matter was compromised and the respondent/plaintiff also raised no objections to return the original documents of original sale deed as well as sale agreement, which belongs to him. But, without considering his contentions, the trial judge erroneously dismissed the petition. Hence, he prayed to set aside the findings of trial judge.



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5. On perusal of records, it reveals that as per the joint compromise memo, already the matter was settled. The plaintiff has also raised no objection for returning the documents. But, the trial judge dismissed the application as such is erroneous one, which needs interference. Accordingly, this Civil Revision Petition is allowed and the findings rendered by the trial judge in ARD.SR. No. 5354 of 2023 in O.S.No.55 of 2018 is set aside and the said petition is ordered to be allowed. The trial judge is directed to number the petition and hand over the documents to the Revision Petitioner within a period of two weeks from the date of receipt of copy of this order. Registry is directed to return the original petition to the Revision Petitioner immediately. No costs.

22.12.2023

Index : Yes/No
Speaking Order : Yes/No
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To

The Sub-Judge, Sankari.



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T.V.THAMILSELVI, J.

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