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C.R.P.No.4855 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM:

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

C.R.P.No.4855 of 2023 &
C.M.P.No.28757 of 2023

K.U.Meeran

... Petitioner

Vs.

1.Chinnasamy
2.R.Subramani
3.Thulasiammal
4.R.Shanmugham
5.R.Lakshmi
6.C.Saminathan
7.C.Nandakumar

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India against the fair and decreetal order passed by the court of II Additional District and Sessions Judge, Tiruppur dated 30.11.2023 in I.A.No.1 of 2023 in O.S.No.492 of 2022.

For Petitioner : Mr.P.Valliappan, Senior Counsel,
for M/s.PV Law Associates

ORDER

Challenging the impugned order dated 30.11.2023 passed in I.A.No.1 of 2023 in O.S.No.492 of 2022, the plaintiff preferred the present revision.



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2. I.A.No.1 of 2023 has been filed by the petitioner/plaintiff seeking for return of original sale deed in Doc.No.680 of 1975 standing in his name for the purpose of maintaining his disabled child, substituting the same with its certified copy. But the said application was dismissed by the trial judge as the original sale deed was marked as Ex.A1 and now the suit is pending trial and as such, the original document is necessary. Therefore, it cannot be returned. Aggrieved that, the plaintiff preferred the present revision.

3. Learned counsel for the petitioner submitted that before the trial court while filing the suit, the petitioner produced the original sale deed of the year 1975, through which he purchased the property. To obtain loan, he wants the said document and he is ready to produce the original deed if the court requires at the time of trial. Therefore, he prayed to set aside the finding.

4. Admittedly, the original sale deed of the year 1975 was marked as Ex.A1 before the Trial Court. No prejudice would be caused to any of the parties, if the original sale deed is returned by substituting the certified copy



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of the same, on obtaining an affidavit of undertaking from the petitioner stating that as and when the original sale deed is required for enquiry, the same will be produced by him.

5. In view of the above, the order passed by the trial court in I.A.No.1 of 2023 in O.S.No.492 of 2022 is set aside and I.A.No.1 of 2023 is allowed. The revision petitioner/plaintiff is directed to file an affidavit of undertaking stating that the original sale deed will be produced by him as and when required for enquiry and on receipt of such an affidavit as well as the certified copy of the sale deed of the year 1975, the trial court is directed to return the original sale deed to the petitioner/plaintiff within a period of two weeks from the date of receipt of a copy of this Order.

6. With the above direction, this civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.12.2023

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Index : Yes/No



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Speaking order/Non-speaking order
Neutral Citations : Yes/No

To

1.The II Additional District and Sessions Judge, Tiruppur



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T.V.THAMILSELVI,J.

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