



CMP(MD) No.589 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Twenty Ninth day of November Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN
and
The Hon`ble Mr.Justice P.B.BALAJI

CMP(MD) No.589 of 2023
IN
AS(MD) No.50 of 2021

UMA SURYAN

... PETITIONER/1st RESPONDENT

Vs

1 AMMAIYAKKAL

... 1st RESPONDENT/1st APPELLANT

2 S.SELVARAJA

... 2nd RESPONDENT/2nd APPELLANT

3 GURUVESHWARI

... 3rd RESPONDENT/2nd RESPONDENT

4 ANBUVALLI

... 4th RESPONDENT/3rd RESPONDENT

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to return the documents namely Ex.B.6 to Ex.B.27 marked before the trial court in O.S.No. 60 of 2012 before the Honourable I Additional District Court, Madurai to the petitioner and thus render justice.

Prayer in AS(MD). 50/ 2021 :

To prefer the Memorandum of grounds of First Appeal against the Judgment and decree dated 18.09.2020 made in OS No. 60/2012 on the file of the I Additional District Judge, Madurai.

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ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.T.K.RAJASEKARAN, Advocate for the petitioner and of Mr.R.RAJESH, Advocate for Mr.M.MAHARAJA, on behalf of the Respondents nO.1 & 2 and Mr.MUTHUKAMATCHI, Advocate for the 3rd Respondent, the court made the following order:-

(Order of the Court was made by P.B.BALAJI,J)

This Civil Miscellaneous Petition has been taken out by the first respondent in the appeal seeking for return of Ex.B6 to Ex.B-27 which have been marked on her side, as defendant, before the I Additional District Court, Madurai in O.S.No.60 of 2012.

2. We have perused the affidavit filed in support of the application.

3. The petitioner has stated that the documents are required for maintaining the property and the learned counsel for the petitioner also states that the certified copies of the said documents viz., Ex.B6 to Ex.B27 have already been filed before the Registry.

4. The learned counsel appearing for the respondents strongly objected for allowing this application.

5. We have heard the parties and perused the affidavit and records filed by way of typed set of papers.

6. Ex.B6 to Ex.B27 are original sale deeds and release deeds marked by the



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petitioner as defendant in the suit. The defendants also succeeded before the trial

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Court and the plaintiffs have filed the present appeal.

7. Considering the averments made in the affidavit, we do not see any impediment for ordering return of the documents Ex.B6 to Ex.B27. Accordingly, C.M.P(MD)No.589 of 2023 is allowed. However, while receiving the documents, the petitioner shall given an undertaking before the Registry to the effect that at the time of final hearing or as and when required by this Court, she will produce the original documents.

8. Registry shall substitute the certified copies in the appeal in lieu of the original exhibits that are being returned to the petitioner.

sd/-
29/11/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AM
TO
THE I ADDITIONAL DISTRICT JUDGE,
MADURAI.

COPY TO:

1 THE SECTION OFFICER
V.R.SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

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2 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-17134[I] dated 30/11/2023)

+1 CC to M/s.T.K.RAJASEKARAN, Advocate (SR-17153[I] dated 01/12/2023)

ORDER IN
CMP(MD) No.589 of 2023
IN
AS(MD) No.50 of 2021
Date :29/11/2023

SA/SKN/SAR. /01.12.2023/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.