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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Thursday, the Twentieth day of July Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD) No.1908 of 2021
and
C.M.P.(MD)No.11391 of 2021
in
A.S(MD)No.89 of 2015

in CMP(MD)No.1908 of 2021:

1 RAMASAMY

2 VENKATESHWARI ... PETITIONERS/7th AND 8th RESPONDENTS

Vs

1 LAKSHMIAMMAL

2 SANKARI

3 A.MURUGAN

4 A.IYYAPPAN

5 SUBBULAKSHMI

6 PATHIRAKALI

7 RAMASANKAR

8 MUTHULAKSHMI ... RESPONDENTS/APPELLANTS

9 SANKARAMMAL

10 MURUGAN



W113 PETCHIAMMAL

12 SANTHANAMARI

13 KRISHNAVENI

14 JEYALAKSHMI

15 MUTHUPATTAN

16 MARAGATHAMMAL

17 MUTHULAKSHMI

18 MALATHI

19 MURUGAN

20 MURUGESAN

21 GOMATHY

22 SANKARAMMAL

23 AARISAN

24 S.CHELLAGOPAL

25 PALAVESAM

26 SUNDARADOSS

27 MARIRAJ

28 NAMBITHAI ... RESPONDENTS/1 TO 6 AND 9 TO 22 RESPONDENTS

<https://www.mca.gov.in/judis>
(RR1-R5 AND R10-R14 WERE SET EXPARTE BEFORE THE TRIAL COURT, HENCE NOTICE TO THEM MAY BE DISPENSED WITH)



in CMP(MD)No.11391 of 2021:

1. SANKARAMMAL

2. AARISAN

3. A. PALAVESAM

... PETITIONERS/16,17 & 19 RESPONDENTS
- VS. -

1. LAKSHMIAMMAL

2. SANKARI

3. A. MURUGAN

4. A. IYAPPAN

5. SUBBULAKSHMI

6. PATHIRAKALI

7. RAMSANKAR

8. MUTHULAKSHMI

... 1 to 8 RESPONDENTS/ APPELLANTS

9. SANKARAMMAL

10. MURUGAN

11. PETCHIAMMAL

12. SANTHANAMARI

13. KRISHNAVENI

14. JEYALAKSHMI

15. RAMASAMY



W16. VENKATESHWARI

17. MUTHUPATTAN

18. MARAGATHAMMAL

19. MUTHULAKSHMI

20. MALATHI

21. MURUGAN

22. MURUGESAN

23. GOMATHI

24. S. CHELLAGOPAL

25. S. SUNDARADOSS

26. G. MARIRAJ

27. S. NAMBITHAI

... 9 TO 27 RESPONDENTS/

1 TO 15,18, 20 TO 22 RESPONDENTS

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 original documents scheduled hereunder which were marked as Ex.B1, B2, B3 in OS No.73 of 2004 on the file of the 4th Additional District Court, Tirunelveli by replacing certified copies of the same by allowing this petition.

Prayer in CMP(MD). 11391/ 2021 :

To return the original documents marked as Ex.B18, Ex.B19 (Sale deed dated 28.08.2001 executed by Sankarammal in favour of Gomathy Vagaiyara) and Ex.B24 (Sale Deed dated 23.01.2006 executed by Sivalingam as power agent of Sankarammal in favour of Palavesam) in O.S. No. 73 of 2004 on the file of 4th Additional District Court, Tirunelveli by substituting the Sub Registration Office copies of the same for the present.



PRAYER in A.S(MD)No.89 of 2015:

To prefer this Memorandum of grounds of first appeal against the judgment and decree passed in O.S.No.73/04 dated 10-07-12 on the file of the 4th Additional District Court, Tirunelveli.

ORDER : These Civil Miscellaneous petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.T.SELVAN, Advocate for the petitioners in CMP(MD) No.1908 of 2021 and MR.R.T.ARIVU KUMAR, Advocate for the petitioners in CMP (MD)No.11391 of 2021 and of Mr.H.ARUMUGAM, on behalf of the Respondents in both the petitions, the Court made the following order:-

These applications have been filed seeking orders to return the original documents marked as Ex.B1, B2, B3, B18 and Ex.B.18 in O.S.No.73 of 2004 on the file of the IV Additional District Court, Tirunelveli.

2. Admittedly, the suit is for partition and after full trial, the suit came to be dismissed. The plaintiff has preferred the present appeal.

3. The learned counsel for the petitioner would submit that they have purchased the property from the first defendant and that thereafter, the present suit came to be filed. It is their further contention that they have produced their original sale deeds EX.P.1 to Ex.P.3; Ex.P.18; Ex.P.19 and Ex.P.24, which are very much necessary for further improvement of the property.

4. The respondents 1 to 8 have filed counter statement raising formal objections.

5. Considering the facts and circumstances of the case and also taking note of

the fact that the petitioners have produced their original sale deeds no prejudice



would be caused to the other side in return the original documents by substituting the copies of the sale deeds, this Court is inclined to order for the return of the documents.

6. In the result, these petitions are allowed. Registry is directed to return the original documents on getting the registration copies of the said documents and on further undertaking to re-submit the documents as and when Court directs.

sd/-
20/07/2023

/ TRUE COPY /

/08/2023

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

das

TO

THE IV ADDITIONAL DISTRICT JUDGE, TIRUNELVELI.

Copy to:

- 1 THE REGISTRAR(JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 2 THE SUB ASSISTANT REGISTRAR, AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 3 THE SECTION OFFICER,
V.R. SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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

5 THE SECTION OFFICER,
E.R SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 CC TO Mr.R.T.ARIVU KUMAR, ADVOCATE IN SR No.11118

ORDER
IN
CMP(MD) No.1908 of 2021
and
C.M.P.(MD)No.11391 of 2021
in
A.S(MD)No.89 of 2015
Date :20/07/2023

SS/DD/01/08/2023/7P/8C

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