



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

Friday, the Twenty Third day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.4802 of 2023
and
SA(MD) No.121 of 2006

1 KARUPPIAH (DIED)

2 MALARKODI ... Petitioner / 2nd Appellant

Vs

1 PILLAPPAN

2 MUTHIAH (DIED)

3 ANTONY

4 PALKANNU

5 MURUGASAMY

6 ARUMUGAM

7 KONGATHAI

8 ALAGU

9 BANUMATHI ... Respondents / Respondents 1 & 3 to 9

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to order return of the original sale deed dated 29.09.1993 executed by Karuppiyah in favour of Chandran, marked as Ex.B-1 and substitute the same with the certified copy of the above said sale deed .

Prayer in SA(MD) No.121 of 2006:

To set aside the judgment and decree dated 28.07.2005 and made in A.S.No.8 of 2004 on the file of Subordinate Court, Sivagangai, confirming the judgment and decree dated 21.10.2003 and made in O.S.No.79 of 2001 on the file of District Munsif Court, Sivagangai and allow this second appeal.



ORDER : This petition coming up for orders on this case, on perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. K.SEKAR, Advocate for the petitioner, the court made the following order:-

The petition is filed to return the original sale deed dated 29.09.1993, marked as Ex.B1.

2. Though the appeal is pending from the year 2006, the appellants have not taken any effective steps to dispose the appeal on merits. Now after 18 years, the appellants have filed this petition to get the original sale deed which was marked as Ex.B1 before the Trial Court. This Court calls for original records from the Trial Court only for verification purpose. This Court is not inclined to allow this petition. Accordingly, this petition is dismissed.

3. At the request of the learned counsel for the appellants, list the main appeal on 08.08.2023.

sd/-
23/06/2023

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/07/2023

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

MBI

To

1.The Sub Judge,
Sivagangai.

2.The District Munsif,
Sivagangai.

Copy to:

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai (2 copies)
(Call for records purpose)

ORDER
IN
CMP (MD) No.4802 of 2023
and
SA(MD) No.121 of 2006
Date :23/06/2023