



WEB COPY



1

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

Thursday, the Twenty Seventh day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice C. KUMARAPPAN

CMP(MD) No.6940 of 2023

IN

SA(MD) No.345 of 2019

C.BALAKRISHNAN

... PETITIONER/ APPELLANT

Vs

THE EXECUTIVE OFFICER

KEEZHKULAM TOWN PANCHAYAT, POOTTETI POST,

VILVANCODE TALUK,

KANYAKUMARI DISTRICT.

... RESPONDENT/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 direct the office to return exhibit A1 dated 23.08.2004 filed in O.S.No.313 of 2011 on the file of II Additional District Munsif Court -Kuzhithurai to the Petitioner/appellant.

Prayer in SA(MD). 345/ 2019 :

To allow the Second Appeal and set aside the Judgment and decree in AS.No.138 of 2014 dated 04.01.2019 on the file of Sub ordinate Judge, Kuzhithurai, confirming the Judgment and decree in OS.No.313 of 2011 dated 03.11.2014 on the file of II Additional District Munsif Court, Kuzhithurai.

ORDER : This Civil Miscellaneous 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.C.GODWIN, Advocate for the petitioner and none appeared either in person or through by an advocate on behalf of the Respondent, the Court made the following order:-



WEB COPY

This petition has been filed to return Ex. A1, dated 23.08.2004 filed in O.S.No.313 of 2011 on the file of the II Additional District Munsif Court, Kuzhithurai to the petitioner/appellant.

2. The learned counsel for the petitioner would submit that the petitioner herein has decided to execute a registered settlement deed in favour of her daughter. For that purpose, the original settlement deed is required. Hence, he filed this petition for return of Ex.A1, dated 23.08.2004.

3. When the matter came up for hearing on 24.07.2023, this Court has recorded that there is no representation on behalf of the respondent and directed to post the matter under the “caption for orders” on 27.07.2023.

4. Today also, in respect of the respondent, there is no representation.

5. Hence, having considered the submission of the learned counsel for the petitioner and the averments made in the affidavit, this Court is inclined to allow this petition.



WEB COPY

6. In the result, this petition is allowed and the Registry is directed to return the Ex.A1, dated 23.08.2004 to the petitioner, after the same being substituted by a certified copy which filed along with this petition, and after getting undertaking from the learned counsel for the petitioner, to produce the original of Ex.A1 as and when directed by this Court. No costs.

sd/-
27/07/2023

/ TRUE COPY /

01/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ebsi

TO

- 1 THE SUBORDINATE JUDGE,
KUZHITHURAI.
- 2 THE II ADDITIONAL DISTRICT MUNSIF, KUZHITHURAI.

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

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

+1 CC to M/s.C.GODWIN, Advocate (SR-11357[I] dated 27/07/2023)

ORDER
IN
CMP(MD) No.6940 of 2023
IN
SA(MD) No.345 of 2019
Date :27/07/2023

SS/VRS/01/08/2023/3P/8C

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