



CRP No.250 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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1. T.K.Santhakumari
2. K.Shobana

... Petitioners

Vs.

1. V.V.Vijeesh Kumar
2. R.Shankar

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to expedite the disposal of IA.1 of 2023 in OS.No.4989 of 2016 pending on the file of the Hon'ble VIII Assistant City Civil Judge at Chennai within the time framed by this Court

For Petitioner

: Mr.B.Leelesh Sundaram
for Nathan and Associates



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ORDER

This Civil Revision Petition has been filed to expedite the disposal of IA.1 of 2023 in OS.No.4989 of 2016 pending on the file of the Hon'ble VIII Assistant City Civil Judge at Chennai within the time framed by this Court.

2. The first petitioner is the owner of the property, wherein the first respondent herein is running a shop. When the petitioners trying to evict the first respondent forcefully, he filed a suit against the petitioners herein for permanent injunction not to disturb his peaceful possession. The Trial Court after conclusion of trial granted permanent injunction.

3. The grievance of the petitioners is that during trial, they filed original settlement deed, rental agreement, lease agreement and tea shop license, which were marked as Ex.B1 to B4. Though the suit was decreed and no appeal has been filed, those documents were not returned. Hence the



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petitioner filed IA.No.1 of 2023 for return of those documents. Though the petitioners' counsel regularly appeared, the matter has been repeatedly adjourned for the appearance of the respondents' counsel and due to his non appearance, the matter is pending.

4. It is clear that the suit was disposed of as early as 2022 and thereafter, no appeal has been filed till date, but the original documents marked by the petitioners as Exs.B1 to B4 have not been returned. Hence, the petitioners filed the above IA. On a perusal of the Diary Extract, it is clear that notice was ordered to the respondents as early as on 19.01.2023. Subsequently, the first respondent was set exparte and service of notice to the second respondent is still pending.

5. Since the suit itself was disposed of and no appeal is filed till date, this Court is of the view that there is no necessity to retain those documents and issuing notice to other side. Therefore, the Trial Court is directed to return those documents to the petitioner immediately on receipt of a copy of



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this order. Accordingly, this Civil Revision Petition is disposed of. No costs.

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Index: Yes/No

Internet: Yes/No

pvs

To

VIII Assistant City Civil Judge, Chennai



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