



A.No.305 of 2024

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in

C.S.No.107 of 2019

N.SATHISH KUMAR, J.

This Application has been filed challenging the orders of the learned Master in dated 10.01.2024 granting certified copies and permitting the petitioner to take the certified copies of the decree and judgement in C.S.No.107 of 2019. The appeal has been filed challenging the order of the Master mainly on the ground that the petitioner has no locus standi to obtain the certified copy and the learned counsel appearing for the petitioner would submit that as against the dismissal of the application filed under Section 92 of CPC for leave to file the suit in respect of the Association, an appeals are already pending in O.S.A.Nos.115 & 123 of 2022, wherein also the respondent has filed an impleading petition. Such being the position, now as a matter of right, the applicant cannot seek for certified copy of the decree and judgement, as per Order X Rule 5 of Original Side Rules. Perused the entire affidavit. The affidavit filed by the respondent is to the effect that only in order to file an appeal challenging the decree in C.S.No.107 of 2019 he sought for a certified copy of the decree and judgement. The property relates to YMCA charitable Trust. Such being the position any person interested to preserve the property cannot be prevented from challenging the decree or orders of the Court which has a direct impact on the Trust properties. Rules 4 and 5 of Original Side Rules relied upon by the learned Senior Counsel mainly relate to obtaining any



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copy of the record produced to any person

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who is not a party to the case and such a case has no objection to be obtained from such person. Whereas the decree and judgement is nothing but record of the public document and such document cannot be denied to the parties. He wanted to agitate certain rights of the trust in a separate proceedings. I do not find any merit in this case. Hence, this Application is dismissed.

2.With the above observation, this application is dismissed.

14.02.2024

vsn

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