



C.R.P.No.1515 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.1515 of 2024

D.Venkatachalam ... Petitioner
-Vs-

S.Senthilkumar ... Respondent

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to set aside the order dated 22.06.2023 passed in ARD.SR.No.5040 of 2023 in O.S.No.56 of 2018 on the file of the Subordinate Court, Sankari.

For Petitioner : Mr.R.Ezhilarasan

ORDER

O.S.No.56 of 2018 had been settled by way of a joint compromise memo. In the said compromise memo, it was agreed by the plaintiff that the defendant can receive the documents that had been marked as Exs.A1 and A2. Those two documents are sale deeds which belong to the defendant. In order to take return of the said documents, an application was filed in A.R.D.(SR) No.5040 dated 14.06.2023. The said application was returned by the Court on 20.03.2023 stating no Vakalat has been filed by Mr.Ezhilarasan, who appears for the defendant.



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2. Mr.Ezhilarasan points out that he had entered appearance even pending the suit and that would enure in his favour for return of documents.

3. As per the Code of Civil Procedure and the Civil Rules of Practice, the counsel who has been appointed for the purpose of conducting the case is empowered to file an application for the purpose of return of documents. Therefore, the return by the trial court made on the ground that no Vakalat is filed when the counsel is already on ground is not a necessary return. As the parties have compromised the matter, it is better for the Court if the original documents are returned to the parties instead of suffering the headache of protecting the documents.

4. In the light of the above discussion, the learned trial Judge shall number A.R.D.(SR) No.5040 of 2023 filed on 14.06.2023 and pass appropriate orders on or before 30.06.2024. The Civil Revision Petition is disposed of accordingly. No costs.

12.04.2024

Index : Yes/No
Neutral Citation : Yes/No
KST

Note : The original application filed by



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counsel for the petitioner may be returned
to him.

To

The Subordinate Judge
Sankari.



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V. LAKSHMINARAYANAN, J.
KST

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