



C.R.P.No.2358 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.2358 of 2024

P.Natarajan

... Petitioner

-Vs-

1.Chinnavellingiri Gounder

2.Kanagaraj

3.Rangammal

... Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to set aside the return memo dated 22.02.2024 in unnumbered CFR.No.19466 of 2021 in O.S.No.101 of 2005 passed by the Principal District Munsif Court, Coimbatore and consequently direct the Registry to number the same and dispose of the matter within a stipulated period of time.

For Petitioners : Ms.Lakshmipriya
for Mr.S.Karthikei Balan

ORDER

This civil revision petition arises against the order of return passed by the learned District Munsif at Coimbatore in unnumbered CFR No.19466 of 2021 dated 22.02.2024.

2. The civil revision petitioner is the plaintiff in the suit. The suit was



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originally dismissed by the learned Principal District Munsif, Coimbatore in and by way of a judgment dated 27.03.2007. Aggrieved by the same, the plaintiff / civil revision petitioner preferred a regular appeal in A.S.No.56 of 2008. The said appeal was allowed on 13.10.2009 and the suit was decreed as prayed for. Aggrieved by the same, the defendants preferred a Second Appeal before this Court in S.A.No.163 of 2010. The said appeal was dismissed by this Court by a judgment dated 06.08.2019. After the proceedings had concluded in his favour, the plaintiff moved an application under Order XIII Rule 9 of Civil Procedure Code seeking return of the documents. The learned District Munsif, Coimbatore has kept the application pending for nearly three years and has returned it on 22.02.2024 stating that A.S.No.56 of 2008 is still pending. Against the said order, the present revision.

3. A perusal of the decree that has been passed by this Court on 06.08.2019 makes it clear that not only was the Appeal Suit allowed setting aside the judgment and decree of the learned District Munsif at Coimbatore, but also the Second Appeal preferred therefrom also ended in favour of the plaintiff. In other words, there are no other proceedings pending as on date on the original side or appellate side for the plaintiff to be denied the return of the documents filed by him. In terms of Order XIII Rule 9 of C.P.C., a party is entitled to take back the documents that have been filed by him in the Court. The only restriction is that the plaintiff must give an undertaking that he will return back the documents to the Court in case further appeal is preferred from the decree.



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4. The learned District Munsif could have returned the papers to the plaintiff after getting the usual endorsement with a direction to substitute the records by way of certified copies. Since the return also states records are not available, the learned District Munsif, Coimbatore shall address letters to the learned Subordinate Judge, Coimbatore as well the Registry of this Court, obtain the records and return the original documents to the plaintiff. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. With the above direction, the Civil Revision Petition is ordered accordingly. No costs.

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Index : Yes/No

Neutral Citation : Yes/No

KST

To

The District Munsif
Dharmapuri.



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V. LAKSHMINARAYANAN, J.

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