



C.R.P.[NPD].No.4548 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 13.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

C.R.P.[NPD].No.4548 of 2024

P.G.Murugesan

. . . Petitioner

Versus

Dhakshyani @ Vishalakshi

. . . Respondent

PRAYER : Petition filed under Article 227 of Constitution of India to set aside the Order dated 08.03.2024 made in ARD No.2 of 2023 in O.S.No.2 of 2009 on the file of the Additional District Judge, Dharmapuri.

For petitioner : Mr.J.Nandagopal

ORDER

Challenging the Order of dismissal of the application filed to return the documents Ex.B.10 to Ex.B.15 said to have been exhibited in O.S.No.2 of 2009, the Civil Revision Petition has been filed.



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2. The suit in O.S.No.2 of 2009 has been filed by the plaintiff for partition claiming 1/4th share in the suit property. In the above suit, the present revision petitioner has been arrayed as fourth defendant. The revision petitioner filed a suit in O.S.No.116 of 2010 for the relief of declaration and permanent injunction. Since the parties in both the suits and the suit properties are one and the same, both the suits were disposed of by way of a common judgment dated 29.02.2012, wherein the original suit filed in O.S.No.2 of 2009 has been dismissed whereas the suit filed by the revision petitioner in O.S.No.116 of 2010 has been decreed in his favour. As against which four appeals in A.S.Nos.1010 of 2012, 1019 of 2012, 1054 of 2012 and 1068 of 2012 have been filed and it appears that the appeal in A.S.No.1068 of 2012 has been dismissed for default and the other appeals are pending before this Court. At this stage, the revision petitioner has filed an application before the trial Court for return of Ex.B.10 to Ex.B.15 filed in O.S.No.2 of 2009. The trial Court taking note of the fact that the appeals are pending and the documents are required in the appeal, dismissed the said



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application. Challenging the same, the present revision petition has been filed.

3. Heard the learned counsel for the petitioner.

4. As the appeals are pending before this Court, the trial Court cannot return the documents. If at all the petitioner wants to get back the documents, it is for the revision petitioner to approach the appellate Court and file an application in this regard. Hence, I do not find any merits in this revision petition.

5. Accordingly, this Civil Revision Petition is dismissed. No costs.

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Index : Yes / No
Internet: Yes
Speaking/non speaking order
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N. SATHISH KUMAR, J.

VTC

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