



C.R.P.(PD).No.4147 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.4147 of 2019

and

C.M.P.No.27005 of 2019

Ramachandran

... Petitioner

VS

Praveen

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to allow the above Civil Revision Petition and set-aside the fair order and decreetal order dated 01.10.2018 passed in I.A.No.1235 of 2017 in O.S.No.144 of 2014 on the file of Additional District Munsif at Tindivanam, Villupuram District.

For Petitioner : Mr.S.Muthukumar

For Respondent : No Appearance



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ORDER

WEB COPY The Civil Revision Petition is filed challenging the order passed by the Trial Court allowing the application filed by the respondent seeking return of the original plaint documents.

2. The respondent herein filed a suit for declaration of title and permanent injunction. The said suit was resisted by the petitioner by filing written statement. When suit is pending, the respondent herein filed an application seeking return of original plaint documents on the ground that original documents are required for the purpose of obtaining loan from the Bank. The respondent also filed certified copies of the original plaint documents along with the application seeking leave of the Court to substitute the same in the place of the original. The Trial Court was pleased to allow the application. Aggrieved by the same, the petitioner is before this Court.

3. The main suit is filed by respondent seeking declaration of his title and permanent injunction. Since there is a cloud over the title of the respondent, he filed a suit for declaration of title. When the cloud over the



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title of the respondent is not cleared by any decree passed by the Court, it is not open to the respondent to encumber the suit property. In the affidavit filed in support of the petition, it is clearly mentioned by the respondent that he wanted to raise loan by depositing the title documents of the suit property. Therefore, the Trial Court ought not to have allowed the application permitting return of the original plaint document to respondent to enable him to encumber the suit property by using the same, especially when there is a cloud over the title of suit property. Therefore, the impugned order passed by the Trial Court is set aside.

4. Accordingly, the Civil Revision Petition stands allowed. No costs.

Consequently, the connected civil miscellaneous petition is closed.

22.03.2024
(1/2)

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The Additional District Munsif,
Tindivanam, Villupuram District.

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S.SOUNTHAR, J.

dm

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