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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21-12-2024**

CORAM

THE HONOURABLE MR JUSTICE SATHI KUMAR SUKUMARA KURUP

CMP NO. 26889 of 2024

AND

AS NO. 665 OF 2019,CMP NO. 19966 OF 2019

V.Baskar
S/O. Vaiyapuri, D.No.517, Raja Nagar, 5th Ward, Kombaipatti Main Road, GoriMedu, Salem-8

Appellant(s)

Vs

MUNIYAPPAN
S/O. U.Karippaiah,D.No.62/26, Rathinapuri, Gorimedu, Salem-8

Respondent(s)

AS NO. 665 of 2019

MUNIYAPPAN
S/o Karuppaiya,D.No.62/26, Rathinapuri, Gorimedu, Salem-636008

Appellant(s)

Vs

V.Baskar
S/o Karuppaiya,D.No.62/26, Rathinapuri, Gorimedu, Salem-636008

Respondent(s)

CMP NO. 19966 of 2019

MUNIYAPPAN
S/o Karuppaiya,D.No.62/26, Rathinapuri, Gorimedu, Salem-636008

Appellant(s)

Vs

V.Baskar
S/o Karuppaiya,D.No.62/26, Rathinapuri, Gorimedu, Salem-

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636008

Respondent(s)

CMP NO. 26889 of 2024

For Appellant(s):
R.Muralidharan
S.Venkidusamy

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For Respondent(s):

AS NO. 665 of 2019

For Appellant(s):
M/s. R. MuralidharanS.VenkidusamyFor Sole Respondent

For Respondent(s):

CMP NO. 19966 of 2019

For Appellant(s):
M/s.S.GunalanA.Panneer Selvam For Caveator (t/e

For Respondent(s):

ORDER

This Civil Miscellaneous Petition has been filed to return Ex.B-4 marked in O.S.No.155 of 2016 before the learned II Additional District Judge, Salem and substitute the same in A.S.No.665 of 2019.

2. The learned Counsel for the Respondent objected to return of document on the ground that the Petitioner had not stated the reasons seeking return of original document under Ex.B-4.

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3. Also, it is the contention of the learned Counsel for the second Respondent th is apprehension that the Petitioner is attempting to encumber the property.

4. The learned Counsel for the Petitioner submitted that he is ready to give an undertaking that the property under Ex.B-4 will not be encumbered during the pendency of Appeal and also he produced the certified copy of Ex.B-4.

4. In the light of the apprehension expressed by the learned Counsel for the Respondent and in the light of undertaking given by the learned Counsel for the Petitioner that the property under Ex.B-4 will not be encumbered during the pendency of the Appeal and also given undertaking that the original document under Ex.B-4 will be produced before the trial Court as and when required, Registry is directed to return Ex.B-4 to the learned Counsel for the Petitioner. If there is any violation of condition, the contempt will be initiated against the parties concerned.

In the result, this ***Civil Miscellaneous Petition is allowed.***

21-12-2024

dh

CMP NO. 26889 of 2024

To

1. MUNIYAPPAN

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