



CMP(MD) No.3085 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
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Friday, the Twenty Ninth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN
and
The HONOURABLE MR. JUSTICE N. SENTHILKUMAR

CMP(MD) No.3085 of 2024
in
AS(MD) No.192 of 2016

B.MANGAYARKARASI ... Petitioner / 3rd Respondent

Vs

A. RAJAMANI (DIED),

1. ARUMUGAM

2 A. SARAVANAN

... Respondents 1 & 2 / Appellants

R. BALAKRISHNAN (DIED)

3 G. SULOCHANA

... 3rd Respondent / 1st Respondent

4 J. MOHAMMED SIRAJ

... 4th Respondent / 2nd Respondent

5 B. PATTAMMAL ALIAS BAMAMANI

6 B. DIVYAPRABHA

7 M. PACKIAM,
REPRESENTED BY POWER AGENT MANI,



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8 V. SEETHALAKSHMI

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9 B. RANJITHAM (DIED)

10 D. PARVATHI (DIED)

11 M. VASANTHA

... Respondents 5 to 11 /
Respondents 4 to 10

12 RAJAGOPALAN

13 R. GOKULA KRISHNAN

14 S. PADMA SARALA

... Respondents 12 to 14 /
Respondents 11 to 13

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to return the documents in respect of Ex-B2, Ex-B4 and Ex-B11 marked before the Trial court in O.S. No. 1 of 2008 on the file of the Honourable II Additional District Court, Trichy to the petitioner.

Prayer in AS(MD) No.192 of 2016:

To set aside the judgment and decree dated 07.10.2013 in O.S.No.1 of 2008 on the file of the II Additional District Judge, Tiruchirappalli.

ORDER : This civil miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.V.MUTHU KAMATCHI, Advocate for the petitioner, the Court made the following order:-



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[Order of the Court was made by RMT.TEEKAA RAMAN, J.]

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This civil miscellaneous petition is filed to return the documents, namely, Ex.B2 – settlement deed executed by the first defendant in favour of the fourth defendant and, B4 and Ex.B11 – Wills executed in favour of the first defendant by Pattammal and Ramalingam Chettiar respectively, which are marked in O.S.No.1 of 2008, on the file of the II Additional District Court, Trichy, to the petitioner.

2. The suit in O.S.No.1 of 2008, filed by the plaintiffs was dismissed and hence, the above appeal. Pending the appeal, the fourth defendant in the suit and third respondent in the appeal has moved this civil miscellaneous petition under the Appellate Side Rules seeking to substitute the certified copies issued by the High Court in place of the original documents of Ex.B2, B4 and Ex.B11.

3. Since the documents viz., Exs.B4 and B11 are Wills, we are not inclined to allow this miscellaneous petition as against substitution of Exs.B4 and B11. However, taking into consideration the fact that the suit has been dismissed, Registry is directed to substitute the certified copy of Ex.B2 – settlement deed in place of original Ex.B2 and return the original Ex.B2 to the petitioner, after obtaining necessary undertaking him as required under the Appellate Side Rules.

4. It is made clear that the petitioner is directed to produce the original



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Ex.B2, as and when it is required and if any encumbrance or mortgage is made, the same will be subject to the result of the above appeal suit.

5. Accordingly, this civil miscellaneous petition is ordered.

sd/-
29/11/2024

/ TRUE COPY /

/12/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

KRK

To

The II Additional District Judge,
Trichy.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-14817[I] dated 02/12/2024)

ORDER
IN
CMP(MD) No.3085 of 2024
in
AS(MD) No.192 of 2016
Date :29/11/2024



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ED/ VR /SAR- (06/12/2024) 5P / 4C

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