



C.R.P.(MD)No.899 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P.(MD)No.899 of 2024

Jeyapal

... Petitioner/Petitioner/Third Party

VS.

P.Bharathi

... Respondent/Respondent/Petitioner

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India., to direct the learned Principal District Court, Trichy to furnish certified copy of the order dated 24.03.2020 made in G.W.O.P.No.268 of 2019 on the basis of the copy application No.655 of 2024.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondent : No Appearance



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ORDER

The prayer of the petitioner is to furnish a copy of the order dated 24.03.2020 made in G.W.O.P.No.268 of 2019 on the basis the copy application No.655 of 2024.

2.The case of the petitioner is that he is the proposed subsequent purchaser of the property and he has also made deposition in the G.W.O.P.No.268 of 2019. Now, the copy of the order is necessary for him to be presented in the pending suit in O.S.No.142 of 2021. When the copy application is made, it is returned with an endorsement to produce the copy of the plaint and the relevant proof of documents. Eventhough the petitioner is willing to file the copy of the plaint as well as the proof of his personal identity, the petition is also returned on the ground that the party's signature differs from the deposition. The deposition was made six years back and there is change in the signature of the petitioner. Therefore, he submits that the trial Court erred in returning the copy application.



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3.I have considered the said submissions made on behalf of the learned counsel for the petitioner and perused the material records of the case.

4.It is seen that the copy application filed by the petitioner as a third party along with the third party affidavit, is returned by the trial Court. Therefore, if the petitioner is aggrieved of the same, the petitioner ought to have represented it before the trial Court and the petitioner need not have filed the civil revision petition directly. As far as the doubt expressed by the trial Court is concerned, the petitioner can represent the copy application and at the time of representation at any time thereafter, the identity of the petitioner can also be personally verified by the Court below, including the personal identity documents and the signature.

5.In view thereof, the Civil Revision Petition is disposed on the following terms:



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(i) The Registry is directed to return the original copy application, third party affidavit etc., which are all filed along with the present civil revision petition to the learned counsel for the petitioner;

(ii) Upon receipt of the same, the petitioner can represent it with an appropriate endorsement before the trial Court within a period of one week therefrom;

(iii) Upon representation, the trial Court can consider and issue the order copy on the basis that the petitioner is a third party and that he has shown a *bona fide* requirement with reference to the copy of the order;

(iv) If there is any doubt as to the identity of the petitioner, the trial Court may also request him to be present before the trial Court, verify his personal identity as well as the signature and thereafter, issue the copy of the



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fair and decreetal order in the case in G.W.O.P.No.268 of 2019;

(v) Considering the nature of the matter, the trial Court is requested to expedite the issue of the fair and decreetal order of the copy and in any event issue the same within a period of ten days from the date of representation of the copy application by the petitioner.

No. costs.

29.07.2024

NCC : Yes / No
sjj
To

The Principal District Court, Trichy.



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D.BHARATHA CHAKRAVARTHY, J.

sjj

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