



C.R.P(MD)No.3013 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.3013 of 2023

V.Ganapathy Sundaram (died)

1.G.Chellakannu

2.G.Ulaganathan

Ma.Su.Irulayeeammal Trustee

... Petitioners / Appellants

Vs

S.S.Pitchai (died)

represented through his

power agent

P.Elango,

P.Elango (died)

1.R.Balasubramaniya

2.R.Pandi

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to pass an order of speedy disposal of Appeal Suit No.106 of 2012 on the file of the Additional Subordinate Court, Madurai, in E.A.No.122 of 2009 in E.P.No.309 of 2007 in R.C.O.P.No.338 of



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2002 on the file of the Additional District Munsif, Madurai within the time span fixed by this Court.

For Petitioner : Mr.S.Ramesh

ORDER

This Civil Revision Petition is filed to pass an order of speedy disposal of Appeal Suit No.106 of 2012 on the file of the Additional Subordinate Court, Madurai, in E.A.No.122 of 2009 in E.P.No.309 of 2007 in R.C.O.P.No.338 of 2002 on the file of the Additional District Munsif, Madurai within the time span fixed by this Court.

2. The grievance of the petitioner is that pending the process, documents were presented by the R.W.1 and was marked as Ex.R1 to Ex.R15 by the Courts below. But thereafter, the appeal was filed by the petitioner. At that time, the documents could not be produced by the respondents and they stated that they have sold the properties to some other persons and at the time of selling the same, they have handed over the original documents to the purchasers. They are not in a position to produce the documents.



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3. Even after a report is called for from the learned Principal District Judge, Madurai, learned counsel for the petitioner, after realising the position in the production of documents, submitted that he is ready to produce the certified copies of the sale deeds, marked as Ex.R1 to Ex.R11. The other documents namely Ex.R12 to Ex.R15 are only receipts and they are not relevant for considering the appeal. He is also ready to produce the documents before the appellate Court. On receipt of the documents, he wants the matter to be disposed by the appellate Court by the time stipulated.

4. Considering the submissions of the learned counsel on record for the petitioner, this Civil Revision Petition is disposed of, making a condition upon the petitioner herein to produce certified copies of sale deeds of the following documents

Ex.R1	09.02.1912	Copy of sale deed
Ex.R2	26.08.1916	Copy of sale deed
Ex.R3	03.07.1917	Copy of Sale deed
Ex.R4	31.12.1939	Copy of Sale deed
Ex.R5	20.01.1969	Copy of mortgage deed



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Ex.R6	05.02.1973	Copy of sale deed
Ex.R8	24.01.1983	Certified copy of sale deed
Ex.R9	11.09.1947	Copy of judgment in O.S.No.16/1947
Ex.R10	18.09.1995	Copy of judgment in O.S.No.399/1991
Ex.R11	31.07.1969	Copy of mortgage deed

Ex.R7 is the survey sketch. Certified copies of the same, according to the learned counsel for the petitioner, is not relevant. On submission of those certified copies of the documents, let the appeal be decided on its own merits within a period of three months from the date of submission of certified copies.

5. With the above direction, this Civil Revision Petition is disposed of. No costs.

07.02.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No

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- 1.The Additional Subordinate Court, Madurai.
- 2.The Record Keeper, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN, J.

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ORDER
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