



CMP(MD) No.17094 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Tenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CMP(MD) No.17094 of 2023

in

AS(MD) No.14 of 2017

S.M.ABDUL KADER

... Petitioner / Appellant

Vs

THUVANI FATHIMA (DIED),

1.ZAFARUNNISHA

(THE 2ND RESPONDENT THROUGH HER
NEXT FRIEND AND MOTHER THE 1ST
RESPONDENT)

2 ZARINA BINTE HAMEED

3 NATHARA HAMEED

4 FATHIMA HAMEED

5 S.M.JAFARULLA

6 MOHAMED IBRAHIM

7 RAIHAINA

... Respondents / Respondents

(THE RESPONDENTS 1 TO 4 ARE
REPRESENTED BY THE POWER OF
ATTORNEY AGENT, A.ABDUL GHANI)

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Grant



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Permission to return the original document marked in Ex.B3 dated 24.08.1983 (release deed executed by Asan Masood Beevi for herself and on behalf of their children as Guardian and Saibunisha in Favour of Abdul Kadar Sahib) on the side of defendant which is the subject matter in the suit in O.S.No.84 of 2007 on the file of the Principal District Court, Tirunelveli.

Prayer in AS(MD). 14/ 2017 :

To set aside the judgment and decree dated 20.10.2016 passed in O.S.No.84 of 2007 on the file of the Principal District Judge, Tirunelveli, by allowing this Appeal Suit and decree the suit.

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 D.NALLATHAMBI, Advocate for the petitioner and of Mr.S.C.HEROLD SINGH, Advocate on behalf of the Respondent Nos.1 to 4 and of Mr.S.A.GANAPATHY RAMAN, Advocate on behalf of the Respondent Nos.5 to 7, the court made the following order:-

This petition has been filed to grant permission to return the original document marked in Ex.B3, dated 24.08.1983 under Order 13 Rule 9 of C.P.C.

2. The learned counsel appearing for the respondents has no objection in allowing this petition.

3. Considering the reasons stated in the affidavit that the said document is required to solve the dispute between the petitioner and his neighbors and the petitioner has also given an undertaking to reproduce the record of this Court within a period of 20 days from the date of receipt of the original document, this petition stands allowed.



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4. The Registry is directed to return the original document marked in Ex.B3, dated 24.08.1983 to the petitioner after getting appropriate undertaking.

sd/-
10/01/2024

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

EBSI

To

The Principal District Judge,
Tirunelveli.

Copy to:

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

2.The Section,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CMP(MD) No.17094 of 2023
in
AS(MD) No.14 of 2017
Date :10/01/2024

ED/ DD /SAR- (18/01/2024) 3P / 4C



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