



A. No. 1746 of 2025
and
C.S. No. 955 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM

THE HONOURABLE Dr. JUSTICE R.N.MANJULA

A. No. 1746 of 2025
and
C.S. No. 955 of 2017

Dr.Vasantha Rajamanickam

...Applicant

Vs.

1.Indira Devaraj Bhat
2.Mahendra Kumar Singhvi
3.G.V.Lakshmi Baskaran
4.Sandeep Kumar
5.N.Baaskaran
6.S.Jeeva
7.Siva Sankar
8.Mahalakshmi
9.S.Ramesh Kumar

... Respondents

Prayer : This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Order XIII Rule 9 and Section 151 of Code of Civil Procedure, to direct the Registry to return the original plaint document Nos. 1, 2, 3, 6, 7, 9, 11 and 15 filed by the plaintiff in C.S. No. 955 of 2017 and substitute the same with certified copy of the same.

For applicant : M/s.R.Ramya

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For Respondents : M/s.F.Kamal Baig (D9)
Mr.T.M.Mano (D10)
Mr.M.Nandakumar (D3)
Mr.M.Jawahar (D1)

ORDER

The application has been filed to return the original plaint document Nos. 1, 2, 3, 6, 7, 9, 11 and 15 filed by the plaintiff in C.S. No. 955 of 2017 and substitute the same with certified copies of the same.

2. The learned counsel for the applicant /plaintiff submitted that the above documents mentioned in the Judges Summons are required for the purpose of auditing and for the above purpose, the original of those documents already filed along with the plaint have to be returned by substituting them with the certified copies of the same.

3. The above application has been opposed by the fifth respondent, who has filed his counter stating that the fifth respondent is not able to understand what kind of accounting and auditing the above documents are required.

4. On perusal of the counter filed by the fifth respondent, excepting



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the above points the rest of the points pleaded in the counter are about the merits of the case, which are not relevant to the application filed to return of documents seeking permission to substitute them with the certified copies.

5. On perusal of the plaint, the documents against Sl. Nos. 1, 2, 3, 6, 7, 9, 11 and 15 filed by the plaintiff in C.S. No. 955 of 2017 are described as under:-

<i>S. No.</i>	<i>Date</i>	<i>Description of Documents</i>	<i>Nature</i>
1.	19.05.1976	Original Sale deed executed by AL.Umayal in favour of the 1 st defendant and her husband	Original
2.	10.09.2005	Patta in the names of the 1 st defendant and her husband	Original
3.	01.12.1993	Original Agreement of Development entered between the 1 st defendant, her husband and the plaintiff	Original
6.	10.07.2017	Hand written Letter sent by the 1 st defendant to the plaintiff	Original
7.		Draft sale deed handed over by the 1 st defendant to the plaintiff's husband	Original
9.	16.07.2017	Original Agreement of Sale entered into between the 1 st defendant and the plaintiff	Original
11.	17.07.2017	Original approved sale deed printed on non-judicial stamp paper of Rs.100/-	Original



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S. No.	Date	Description of Documents	Nature
15	07.12.2017	Rejoinder letter sent by the plaintiff to the 1 st defendant's reply letter dated 09.11.2017 sent by registered post acknowledgment due	Original

6. Admittedly, these documents were not in the custody of the defendants at any time before.

7. The learned counsel for the applicant /plaintiff submitted that as per Order XIII Rule 9 of the Code of Civil Procedure, any person, whether a party to the suit or not, desirous of receiving back any document produced by him in the suit and placed on the record shall, unless the document is impounded under rule 8, be entitled to receive back the same.

8. However, the above procedure is with regard to the admitted documents, but now these documents, which are sought to be returned are not admitted documents. Hence, it is at the pleasure of the applicant /plaintiff either to retain the documents or to get back the documents. It is at the risk of the plaintiff to produce these documents again if at all the



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plaintiffs intend to mark these documents as evidence on the side of the plaintiff.

9. As the documents now sought are unexpected documents and the applicant has submitted that he is in need of those documents for audit purposes, I feel that these documents are ordered to be returned to the plaintiff on his undertaking that these documents will be produced at the time of trial.

10. Hence, **this application is allowed.** The Registry shall compare the certified copies of those documents along with the originals and return the original documents, after substituting with the certified copies of the same. No costs.

03.11.2025

Maya

Dr. R.N.MANJULA, J.

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