



C.M.P.No.25144 of 2024

IN

A.S.No.155 of 2022

R.N.MANJULA, J.

The petitioner is the 2nd defendant filed this miscellaneous petition seeking to return the original sale deed dated 12.11.1997 marked as Ex.B5 in O.S.No.1297 of 2014.

2. To be noted that in the order dated 03.12.2004, an interim injunction has been granted not to create encumbrance, despite final decree has been passed.

3. The learned counsel for the petitioner submitted that the second appeal has been filed only in respect of A-schedule property and as far as the B-schedule property is concerned, there is no appeal. It is further stated that Ex.B5 sale deed pertains to B-schedule property on which the second appeal has been filed.

4. On perusal of the records, it is seen that the property particulars as found in Ex.B5 sale deed dated 12.11.1997, pertains to B-schedule property measuring 2400 sq.ft. in plot No.579 in S.No.427/1 of Tirumullaivoyal Village. Under the final decree, B-schedule property has been allotted to the defendants 1 and 2, who are mother and son with $\frac{1}{2}$ share each. Even the first appeal has been filed by the plaintiff only in respect of A-schedule property and not in respect of B-schedule property. In such case, the plaintiff cannot have any objection to return Ex.B5 sale deed pertains to B-schedule property to the petitioner, who is the 2nd defendant in the suit and the son of the 1st defendant.

5. In view of the same, this miscellaneous petition is allowed and Ex.B5 sale



deed dated 12.11.1997 is ordered to be returned to the petitioner, on substituting a certified copy of Ex.B5 with an undertaking that the petitioner would produce the said document as and when required.

23.01.2025

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