



A.No. 3255 of 2025
in
C.S. No. 296 of 2012

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

A.No. 3255 of 2025
in C.S. No. 296 of 2012

S.Sithi Aminath Najla

...Applicant

Vs.

1.M/s.N.S.N. & Co.

Rep. by its Proprietrix

Rupam N. Patel

No.10/2, Cunningham Crescent

Indrakrupa, Bangalore – 560 062.

2.Pushkala Mohanan

3.Mehul J Patel

4.Royal Bank of Scotland

(Formerly ABN AMRO Central Enterprise)

Rep by its Manager

Door No.113 to 121 and 123 to 134

Anna Salai, Unit No.0405, 4th Floor

Delta Wing, Block 'A', Raheja Towers

Chennai-600 002.

... Respondents

Prayer : This application has been filed under Order XIV Rule 10(28) of the Original Side Rules read with Order XIII Rule 9 of the Code of Civil Procedure, praying to return the original deed of sale dated 24.04.2008



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registered as Document No.542 of 2008 on the file of Sub Registrar, Triplicane, filed as document and the certified copy delivered to this Court be substituted for original in C.S. No. 296 of 2012.

For applicant : Ms.R.Maheswari

For Respondents : Mr.G.Govindarajan

ORDER

Application No.3255 of 2025 has been filed questioning the order of the learned Master dated 02.09.2024 in Application No. 2497 of 2024.

2. Application No. 2497 of 2024 had been filed by the applicant herein seeking return of the original deed of sale dated 24.04.2008 registered as Document No.542 of 2008 on the file of the office of the Sub Registrar, Triplicane, which had been filed as a document before the Court in C.S. No. 296 of 2012 filed by the plaintiffs. C.S. No. 296 of 2012 had been filed by two plaintiffs, (1) M/s.N.S.N. & Co., Rep. by its Proprietrix, Rupam N. Patel and (2) Pushkala Mohanan, W/o.Mohanan Variath against three defendants seeking a judgment and decree for a



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declaration that the deed of sale dated 24.04.2008 registered as Document No. 592 of 2008 executed by the first defendant in favour of the second defendant is without any authority and for permanent injunction restraining the first and second defendants from encumbering or alienating the suit schedule property and for costs of the suit. In effect, the plaintiffs sought a declaration that the sale deed in favour of the applicant herein has to be declared as null and void. The original sale deed had been filed as document before Court.

3. The suit did not go through its normal course. A learned Single Judge of this Court by a judgment dated 02.02.2023 had passed the following judgment :-

“ *The condition imposed by this Court in the above suit vide its order dated 30.11.2022 has not been complied with. The learned counsel for the plaintiffs reports no instructions.*

2.The suit is dismissed for default accordingly. No



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WEB COPY costs.”

The condition imposed on 30.11.2022, which had been referred in the said judgment, is the failure of the plaintiffs to graze the witness box and to tender evidence. Further, costs of Rs.5,000/- had been directed to be paid to the second defendant therein on or before 14.12.2022. To the knowledge of this Court, no application has been filed seeking restoration of the suit. Thereafter, the applicant herein had filed Application No. 2497 of 2024 before the learned Master seeking return of the sale deed executed by the first defendant in her favour. The learned Master had dismissed the application holding that the document is a parental document and title deed and that the present applicant should file a separate suit seeking return of that document, and the applicant cannot take advantage of the fact that the suit had been dismissed and file application seeking return of the document.

4. This Court had sought the applicant herein to tender evidence before the learned Master. The applicant had been examined as witness and the entire deposition of the application is as follows:-



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“I am the applicant herein. I am aware that this application has been filed by me for return of the original sale deed dated 24.04.2008. I have not mortgaged my undivided share of the property measuring with an extent of 2173.37 sq.ft. Together with superstructure measuring 6710 sq.ft. In the 4th floor situated at Block A, Raheja Towers, Mount Road, Chennai with M/s.N.S.N. & Co., its proprietrix Mrs.Rupam N. Patel and Mrs.Pushkala Mohanan by deposit of title deeds.”

5. The view of the learned Master is that a separate suit should be filed for return of documents, will certainly have to be interfered as the document in question is the title deed of the property of the applicant herein. The sale deed had been executed by the first defendant in favour of the applicant herein. It could be considered as a valuable security in the hands of the applicant herein. If the suit is to be restored then the suit could be proceeded with an undertaking by this applicant to produce the original document as and when required. But the plaintiffs in the suit,



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have taken a conscious decision not to press the suit any further. The document cannot be kept in the records for ever and ever. The applicant has a reasonable right over the said document since the sale deed had been executed in her favour.

6. Taking that facts into consideration, I set aside the order of the learned Master dated 02.09.2024 in Application No.2497 of 2024. This application stands allowed.

7. Registry may return back the original document dated 24.04.2008 to the applicant substituting a certified copy of the same and giving an undertaking that the original would be produced as and when called for by the Court and a further undertaking to be given that the document would not be mortgaged or the title deed would not be deposited towards mortgage without leave of the Court.



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WEB COPY 8. Registry to return the document on receipt of the certified copy
of the same.

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C.V.KARTHIKEYAN, J.

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