



CRP(MD).No.1677 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2025

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No. 1677 of 2022

Sakthivel

: Petitioner

Vs.

1.Shriram Chits Investments (P) Ltd.,
Tamil Sangam Road,
Madurai.
Through its Foreman Baskaran.

2.The Manager,
Shriram Chits Investments (P) Ltd.,
Tamil Sangam Road,
Madurai.

: Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned District Munsif Court, Ramanathapuram, to issue the certified copy of the orders passed in E.P.No.9 of 1997 in C.S.No.139 of 1993 on the file of the learned District Munsif Court, Ramanathapuram, dated 07.12.1998 based on the copy application filed by the petitioner in CA.No.2746 of 2021.



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For Petitioner : Mr. M.Kannan

For respondents 1 and 2 : Mr. P. Ganapathy Subramanian

ORDER

This Civil Revision Petition has been filed for issuing a direction to the learned District Munsif, Ramanathapuram, to issue the certified copy of the orders passed in E.P.No.9 of 1997 in C.S.No.139 of 1993 on the file of the learned District Munsif Court, Ramanathapuram, dated 07.12.1998 based on the copy application filed by the petitioner in CA.No.2746 of 2021.

2. According to the revision petitioner, the petitioner's mother purchased the property situated in S.No.618 / 1 measuring Eastern Half share 31-1/2 Cents out of 65 Cents situated at Sudukattanpatti Village, Rameswaram Taluk, Ramanathapuram District on 29.08.1981 and they have been in possession and enjoyment of the same. The petitioner and his mother had mortgaged the said property with the respondents herein and obtained a loan and since there was some default, the first respondent has initiated recovery proceedings before the District Munsif Court,



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Ramanathapuram for attachment of the petitioner's property in E.P.No.9 of 1997 in C.S.No.139 of 1993. In the said proceedings, the property has been attached and the attachment has been registered before the Sub Registrar, Rameswaram on 07.12.1998. Thereafter, the petitioner and his mother have repaid the loan amount with interest and that the respondents herein have handed over the original title deed to them. Thereafter, the petitioner's mother expired on 13.09.2023 and when the petitioner and his brothers wanted to partition the suit schedule property and other properties, they came to know that the attachment order passed by the District Munsif Court, Rameswaram has not been raised.

3. In such circumstances, the petitioner has approached the respondents to enquire about the matter, while so the 2nd respondent issued No Objection Certificate since they have already received the loan amount. Whereas the Sub Registrar, Rameswaram stated that mere no objection is not sufficient and only if the attachment is raised they will register any transaction regarding the property. Therefore, the petitioner has filed a petition under Order 21 Rule 55 r/w. 151 CPC to raise the attachment order passed on 07.12.1998 in E.P.No.9 of 1997 on the file of the District Munsif Court, Ramanathapuram, now the competent jurisdictional Court District



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Munsif Court, Rameswaram. However, the District Munsif, Rameswaram returned the petition in un-numbered E.A.No... of 2020 in E.P.No.9 of 1997, on 12.10.2021 by stating that the orders in E.P.No.9 of 1997 has been passed by the District Munsif Court, Ramanathapuram and therefore, the petitioner has to produce a copy of the said order. Therefore, the petitioner filed a copy application in C.A.No.2746 of 2021 before the District Munsif Court, Ramanathapuram for obtaining the certified copy of the order passed in E.P.No.9 of 1997, dated 07.12.1998. The learned District Munsif Court, Ramanathapuram has returned the copy application on 22.10.2021 by stating that the case files pertaining to E.P.No. 9 of 1997 has not been received by them. In such circumstances, the petitioner herein has filed the present Civil Revision Petition.

4. Heard on both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case and in the interest of justice, there shall be a direction to the learned District Munsif Court, Ramanathapuram to issue the certified copy of the orders passed in E.P.No.9 of 1997 in C.S.No.139 of 1993 on the file of the learned District



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Munsif Court, Ramanathapuram, dated 07.12.1998 based on the copy application filed by the petitioner in CA.No.2746 of 2021 within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, this Civil Revision Petition is disposed of. No costs.

09.01.2025

Index : Yes / No
Internet : Yes/ No
trp

To

The District Munsif Court,
Ramanathapuram,



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K. GOVINDARAJAN THILAKAVADI, J.,

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