



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1543 of 2025

and

C.M.P.(MD)No.7883 of 2025

Periyasamy (died)

1.Rajendran

2.Ramachandran

3.Rajaraman

...Petitioners

Vs.

Periyasamy

...Respondents

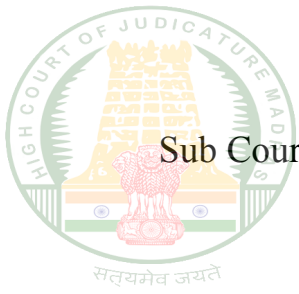
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records in pertaining to the fair and decreetal order dated 21.11.2023 in I.A.No.2 of 2023 in A.S.No.32 of 2022 in on the file of the Sub Court, Kumbakonam and set aside the same.

For Petitioners : Mr.R.Rajaraman

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ORDER

The petitioner has filed this Civil Revision Petition challenging the order dated 21.11.2023 in I.A.No.2 of 2023 in A.S.No.32 of 2022 on the file of the



Sub Court, Kumbakonam.

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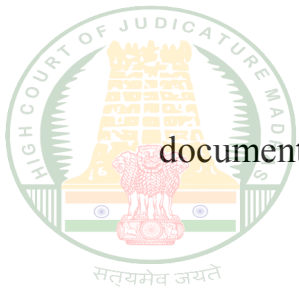


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2.Since no adverse order is going to be passed in this petition, notice to the respondent is dispensed with.

3.The petitioners are the defendants in O.S.No.155 of 2008 in the suit filed by the respondent / plaintiff for bare injunction alleging that the respondent is interfering with the peaceful possession and enjoyment of the suit property. After adjudication, the trial Court decreed the suit in favour of the respondent. As against which, the petitioner filed an appeal before the Lower Appellate Court in A.S.No.32 of 2022. Pending appeal, the respondent filed I.A.No.2 of 2023 for return of document filed by him. The said petition was allowed and the document was returned to the respondent. Challenging the same, the petitioner filed the present petition.

4.The learned counsel for the petitioners submitted that at the time of trial, the respondent undertakes that he is ready to produce the original document before the trial Court and he has also produced the same before the trial Court. After disposal of the suit, appeal is filed and pending. The appeal is the continuation of the lower Court proceedings. However, the document marked in the trial Court was returned to the respondent and the same is not appropriate one. He would further submit that immediately after returning the



document, the respondent sold the property in favour of third parties.

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5.The fact in the present case is not in dispute. Admittedly, the respondent filed a suit as against the petitioners for injunction and the suit was decreed in favour of the respondent by conveying the possession in favour of the respondent. Assailing the order of the trial Court, the petitioner preferred an appeal in A.S.No.32 of 2022 and the same is pending. Admittedly, the document in question was marked by the respondent before the trial Court. The respondent sought only to return the document marked by him and not the document marked by the petitioners. Hence, the order of the trial Court returning the document belonging to the respondent is perfectly in order and the same does not warrant any interference.

6.Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.06.2025

NCC:Yes/No
Index:Yes/No
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To:

- 1.The Sub Court, Kumbakonam.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

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M.DHANDAPANI, J.

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