

C.M.P. No.8061 of 2026 in SA. No.974 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 10.04.2026

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.P. No.8061 of 2026 in SA. No.974 of 2012

1. B. Ravikumar
2. M/s. Le Royal Constructions (P) Limited,
Represented by its Managing Director
Smt. Le Josepine Consal,
No.38/40, North Boag Road,
T. Nagar, Chennai 600 017

...Petitioners

Vs.

Augustin Babu

... Respondent

Prayer: This Civil Miscellaneous Petition is filed under Order 13 Rule 9 of CPC and under Section 151 CPC to order return of the Original Sale Deed dated 29.08.2000 registered as Doc. No.3026/2000, Sub Registrar Office, Kodambakkam as A4 in O.S. No.5548/2004 on the file of XI Assistant Judge, City Civil Court, Chennai, by substituting with the certified copy of the same.

For Petitioners : Mr. R. Vijayaraghaven



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ORDER

The captioned Civil Miscellaneous Petition is filed for return of the original sale deed dated 29.08.2000 registered as Doc. No.3026/2000, Sub Registrar Office, Kodambakkam, marked as A4 in O.S. No.5548/2004 on the file of XI Assistant Judge, City Civil Court, Chennai, by substituting with the certified copy of the same.

2. According to the petitioners, they are the respondents in the above Second Appeal. The present Second Appeal is preferred against the decree and judgment dated 04.04.2012 passed by the learned V Additional Judge, City Civil Court, Chennai in A.S. No.382 of 2008. It is further submitted that the dispute is with regard to the land measuring 468 sq. ft. situate at No.10, Basha Sahib Street, Choolaimedu, Chennai. The first appellate court in A.S. No.382 of 2008 upheld the contention of the petitioner that the respondent / appellant has no right over the said 468 sq. ft. and ultimately decreed the suit in favour of the petitioner. The respondent in A.S. No.382/2008 preferred this Second Appeal claiming that the said property belongs to him and that the

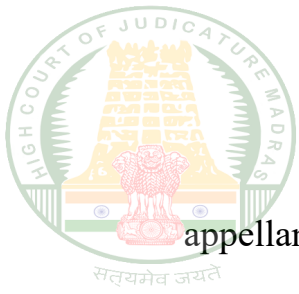


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first appellate court has not properly appreciated the case and decreed the suit.

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It is further submitted that the appellant herein, after filing of the suit by the petitioner herein in O.S. No.5548 of 2004 on the file of IX Assistant Judge, City Civil Court, Chennai, for permanent injunction, filed a suit in O.S. No.11108 of 2010 before the XIX Additional Judge, City Civil Court, Chennai, for declaration that his wife Elizabeth Augustin is the absolute owner of the above said 468 sq. ft of land and for other reliefs, in which the present petitioner was arrayed as 4th defendant. The said suit was dismissed by the XVI Additional Judge, by a decree and judgment dated 22.11.2018, in which it was held that the respondent / appellant and his wife prepared a sale deed dated 19.01.2005 in order to grab the said 468 sq. ft of property out of which 249 sq. ft. of land belongs to the petitioner and balance 219 sq. ft is Government Poramboke. Therefore, the courts below rejected the relief of declaration of ownership of the respondent / appellant and his wife. On the side of the petitioner, it is further submitted that the original sale deed dated 29.08.2000 registered as Doc. No.3026/2000, at SRO, Kodambakkam, is marked as Ex.A4 in O.S.No.5548/2004 on the file of the XI Assistant Judge, City Civil Court, Chennai. It is submitted that the dispute is only with regard to the extent of 468 sq. ft between the petitioner and the appellant and that the



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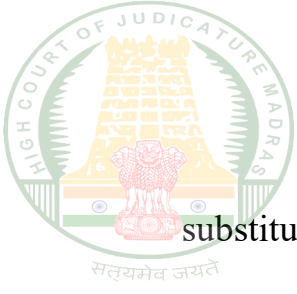
appellant is not challenging the petitioner's title to an extent of 4545 sq. ft.

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The petitioner is unable to carry out any further work in his property on account of the original being filed before the Court. Since the issue is only to an extent of 468 sq. ft., the petitioner is requesting to return the original document to proceed further in respect of the undisputed extent of the property. Hence, the petitioner has filed the above petition to permit him to take the original sale deed by substituting the certified copy of the original sale deed dated 29.08.2000 registered as Doc. No.3026/2000, Sub Registrar Office, Kodambakkam, marked as A4 in O.S. No.5548/2004 on the file of XI Assistant Judge, City Civil Court, Chennai.

3. Since the above mentioned sale deed belongs to the petitioner and marked through him before the trial court, notice to the respondent is dispensed with.

4. Considering the facts and circumstances of the case, this Civil Miscellaneous petition is ordered and the Registry is directed to return the sale deed dated 29.08.2000 registered as Doc. No. 3026/2000, Sub Registrar Office, Kodambakkam, marked as Ex.A4 in O.S. No. 5548 of 2004 on the file of XI Assistant Judge, City Civil Court, Chennai, by



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substituting with the certified copy of the same. It is made clear that the

petitioner shall return the said document to the Court as and when required for any further reference.

10.04.2026

bga

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

Note: Issue order copy today (10.04.2026)

To

XI Assistant Judge, City Civil Court



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K.GOVINDARAJAN THILAKAVADI, J.

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