



C.R.P.(MD)No.637 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.637 of 2026

Narayana Raju

through his Power Agent,
Hayachandran K.Nair.

: Petitioner

Vs.

1.A.Parvatham

2.N.Pushpa

3.N.Mala

4.N.Mythra

5.Vishalakshiammal @ Visalam

: Respondents

Prayer : This Civil Revision Petition filed under Article 227 of Constitution of India, against the impugned return order passed in unnumbered I.A.No..... of 2025 in O.S.No.27 of 2018 on the file of the Subordinate Court, Ambasamuthram, dated 25.11.2025.

For Petitioner : Mr.J.Jeyakumaran



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3.The learned Subordinate Judge, by the impugned order, returned the petition on the ground that the present revision petitioner has no *locus standi*, as the document was not produced by him, and that only the legal heirs of the deceased fifth defendant would be entitled to seek return of the document.

4. The learned counsel for the petitioner would contend that the fifth defendant, in her written statement, claimed to be the second wife of the plaintiff's father and that she had no issues. He placed reliance on the decision of the Karnataka High Court in ***R.Shankar v. E.Rammohan Chowdary (2024 (3) CurCC 29)***, wherein it has been held that the scope of Order XIII Rule 9 C.P.C. is not confined merely to the party who produced the document, but extends to ensuring that the document is returned to the person lawfully entitled to it, in the interest of justice. The relevant passages are extracted hereunder ;

“ 11. In this case, the Trial Court's decision to withhold the documents from the petitioner based solely on the fact that they were produced by the respondent, ignores the broader purpose of Order XIII Rule 9. The provision is not strictly limited to the party that physically submits the documents in Court. Instead, it extends to ensuring rightful ownership and



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fair administration of justice. This means that the Rule should be applied in a manner that recognizes the rightful owner of the documents, irrespective of who produced them during trial.

12. By rigidly applying the literal language of Order XIII Rule 9, the Trial Court lost sight of an essential principle: the plaintiff, having lost the suit, has no legitimate claim to retain the title documents. These title documents inherently belong to the petitioner. The respondent's role in producing the documents during the litigation process does not confer ownership or a right to retain them post- litigation, especially after losing the suit for specific performance. Courts must be pragmatic while dealing with such situations. If the captioned petition is not allowed, the petitioner will lose the title documents forever.

13. For the reasons stated supra, this Court proceeds to pass the following:

ORDER

(i) The writ petition is allowed;

(ii) The impugned order dated 31.08.2021 passed in Review Petition No.1/2021 by the I-Additional Senior Civil Judge, Ballari vide Annexure-A confirming the order dated 27.08.2020 passed in Civil Misc.No.20/2018 is hereby quashed.

(iii) The petitioner's application for the return of the original documents is hereby allowed;



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(iv) *The trial court is directed to return the original sale deed and the registered Will to the petitioner;*

(v) *The return of these documents shall be subject to petitioner providing certified copies to be substituted for the originals.*

(vi) *In view of disposal of the petition, pending interlocutory applications, if any, do not survive for consideration and are disposed.*

5. Considering the above submissions, and having regard to the fact that the fifth defendant is no more, that she had not complied with the conditional order passed by the appellate Court, and that the present application has been filed by the plaintiff seeking return of the original document, this Court is of the view that the learned trial Judge was not justified in returning the petition at the threshold on the ground of *locus standi*. The proper course would have been to take the application on file, issue notice to the necessary parties, and thereafter adjudicate the matter on merits in accordance with law.

6. In that view of the matter, the impugned order of return is set aside. The learned trial Judge is directed to take the application on file,



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issue notice to the concerned parties, and dispose of the same on merits and in accordance with law.

7. The Registry is directed to return the original petition along with the connected records to the learned counsel on record, after retaining copies thereof.

8. With the above directions, this Civil Revision Petition stands disposed of. No costs.

27.03.2026

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

1. The Subordinate Court, Ambasamuthram.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
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Dated : 27.03.2026