

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, CHIDAMBARAM

Present: Tmt.E.Swetha, B.B.A., L.L.B (Hons)
Additional District Munsif
Chidambaram

Thursday, the 4th day of December 2025

I.A.NO.419/2024 in IA.406/2015 in O.S.NO. 276/2015

Mugundhan represented by its
power agent Balakrishnan

... Petitioner/ 5th Defendant

/Vs/

1. Rajesh
2. Rajmohan

... Respondents/ Plaintiffs

This petition is coming on 17.11.2025 for final hearing before me in the presence of Thiru.A.S.Velmurugan, Advocate for the petitioner and Thiru.M.Gnanasekaran, Advocate for Respondents and upon hearing the argument of both sides and having stood over for consideration till this day, this court delivered the following:

ORDER

Petition filed by the petitioner under Order 13 Rule 9 & Sec.r/w 151 of CPC to return the original sale deed dt. 31.05.2010 substituting it with the online copy and pass further orders.

2. The case of the petitioner:

The petitioner is the 5th respondent in I.A. No. 406/2015 and the 5th defendant in the main suit. The respondents herein are the petitioners in I.A. No. 406/2015 and the plaintiffs in the main suit. The main suit has been filed seeking a decree of permanent injunction and other consequential reliefs. During the enquiry in I.A. No. 406/2024, the petitioner produced the sale deed pertaining to the 5th respondent, Mugundhan. However, this document was not marked during the enquiry and

remains an unfiled document in the case bundle. The petitioner's counsel has stated that the original sale deed dated 31.05.2010 relating to Mugundhan is required for proceedings before the Hon'ble High Court, and therefore seeks the return of the original document. An online copy of the sale deed has also been filed along with this petition. The petitioner undertakes to refile the original document as and when directed by this Court. Hence, the petitioner prays for return of the original sale deed dated 31.05.2010, substituting it with the online copy.

3. The case of the respondents:

The respondent herein is the plaintiff in the main suit. According to them, the petition is unsustainable in law and on facts, and is liable to be dismissed in limine. They contend that the petitioner has filed this petition solely to secure an unlawful advantage, and that the reasons advanced are unacceptable. They further submit that the Court cannot be treated as a mere conduit for filing and retrieving documents according to the petitioner's whims. The sale deed dated 31.05.2010 was filed by the petitioner as it was necessary for the case. The respondents allege that the said document is forged, and hence it is a necessary document for the case. Returning the original document, would enable the petitioner to misuse it by creating encumbrances, warranting dismissal of the petition. The respondents assert that the petitioner has not produced any documents in support of his claim, which itself casts doubt on the relief sought. Although the petitioner states that the original sale deed is required for proceedings before the Hon'ble High Court, no details or case number have been furnished, rendering the explanation doubtful. They further contend that since an online copy has been filed, the same would suffice even for the High Court proceedings, and thus the petition is not maintainable. They also highlight the risk of false reasons being advanced to facilitate the execution of a sale relating to the property. In these circumstances, the respondents pray that the petition be dismissed.

4. Now the point for consideration is whether the petitioner is entitled to get the relief as prayed for?

5. No oral and documentary evidence produced.

POINT FOR DETERMINATION:

6. Heard both sides Learned counsels. Material records perused. This is the suit filed for the relief of permanent injunction, declaration and recovery of possession. This petition is filed by the 5th defendant seeking return of the original sale deed dated 31.05.2010 pertaining to one Mugundhan, which was produced during the enquiry in I.A. No. 406/2024 but remained unmarked and is presently kept as an unfiled document in the case bundle. The petitioner submits that the said original document is required for proceedings before the Hon'ble High Court and has filed an online copy of the sale deed along with this petition. The petitioner undertakes to refile the original document before this Court as and when directed.

7. To the contrary, the respondents/plaintiffs have filed objections contending that the petition is not maintainable and that the original document should not be returned, alleging that the sale deed dated 31.05.2010 is forged and necessary for the adjudication of the case. They further express apprehension that the petitioner may misuse the document by creating encumbrances if it is returned. They also point out that no details of the alleged High Court proceedings have been furnished.

8. Upon due consideration of the rival submissions and the records produced, it is seen that the document in question was only produced but not marked as an exhibit in the interlocutory proceedings. The original sale deed thus remains on file merely as an unmarked and unrelieved-upon document at this stage. While the respondents have alleged forgery, no prima facie material has been placed to establish that retaining the original with the Court is necessary to prevent misuse. The petitioner has also

undertaken to refile the original whenever required and has provided a certified e-copy for substitution.

9. Hence, this Court is of the view that the petitioner has made out sufficient grounds for return of the original document, subject to conditions that will ensure the integrity of the proceedings and safeguard the interests of both parties.

In the result, this petition is allowed as follows:

- i. The petitioner shall be permitted to take back the original sale deed dated 31.05.2010 on substituting it with a duly certified online copy already filed.
- ii. The petitioner shall file an undertaking affidavit to the effect that he shall produce the original sale deed during his evidence or whenever required by this Court.
- iii. The petitioner shall acknowledge the receipt of the said original document before this court.
- iv. No order as to cost.

Order directly dictated to Steno-Typist, typed by her, corrected and pronounced by me in the Open Court on this, the 4th day of December 2025.

(Sd/- E.Swetha)
Additional District Munsif,
Chidambaram.

List of witnesses and documents on the side of the petitioners:

NIL

List of witnesses and documents on the side of the respondents:

NIL

(Sd/- E.Swetha)
Additional District Munsif,
Chidambaram.