

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE(FTC),
VELLORE, VELLORE DISTRICT.

PRESENT: Tmt.P.Revathy, M.A.,M.L.,
Additional District Judge(FTC),Vellore.

Dated this the 25rd day of March 2024, Monday.

I.A.NO.8/2023 in
O.S.NO.76/2022

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Wilson,
Represented by Power Agent
J.Jacob Premanand

..Petitioner/Plaintiff

//Vs//

Immanuel Paul

... Respondent/Defendant

This petition is coming before me on 21.03.2024 for final hearing in the presence of Thiru.R.Nithyanandam and Tmt.K.Padmavathi, Counsels for the petitioner and of Thiru.J.Sridharan, counsel for the respondent and upon hearing the arguments of both sides and upon perusing the entire case records and having stood over for consideration, till this date this court delivered the following:-

ORDER

Petition filed by the petitioner under Or.13 Rule 9 and Sec.151 of CPC prays to return the original documents mentioned in this petition.

2.The averments of the affidavit as follows:-

The petitioner herein is the Plaintiff's Power agent in the main suit. He well acquainted with the facts of the case. The suit is filed for

declaration and injunction as against the respondent. The suit was transferred to this court and the same is pending. The petitioner filed the Plaint documents into this court. Since the original documents are required to deal with his principal property and for the enquiry before Revenue Divisional Officer, Vellore and the petitioner prays to return the documents by replacing the certified xerox copy of the documents, it is very essential to return the petition mentioned documents and the petitioner undertakes to produce the same into this court, whenever it is called for. Otherwise, the petitioner will be put to serious loss and hardship and prays to allow the petition.

3. Brief averments of the counter filed by the respondent is as follows:-

This petition is not maintainable either in law or on facts. All the affidavit averments are denied except those that are admitted by the respondents herein. The respondent also filed suit for declaration in respect of the suit property on the file of the Additional District Munsif, Vellore in O.S.No.86/2021 and the same is pending. In the mean time, the respondent filed Transfer petition before the District and Sessions Judge, Vellore in Tr.O.P.No.63/2023 to transfer the O.S.No.86/2021 pending on the file of Additional District Munsif, Vellore to this court to try together. The said Transfer petition was allowed on 09.02.2024. Because, unless both the

cases are tried by the appellate court, there is a possibility of a conflict of decision and multiplicity of proceedings.

Prior to this application, the petitioner filed another application in I.A.No.2/2022 to reject the plaint filed by the respondent on the file of the Additional District Munsif, Vellore in O.S.No.86/2021 and the same was rightly dismissed by the said court. Now the respondent reliably learned and believed to be true that the petitioner planned to create encumbrance over the suit property by getting original documents from this court to continue the legal proceedings endlessly. Because, the petitioner already created number of void documents in respect of the suit property and due to the above said reasons alone, the respondent filed the said suit in O.S.No.86/2021. Further the respondent filed detailed written statement in this suit and pleaded all the fraudulent documents namely settlement deed, Sale Agreement and Power of Attorney and the respondent filed the above said suit in O.S.No.86/2021 to declare those documents are null and void. So, if the petition mentioned documents would be returned to the petitioner, definitely the petitioner will create subsequent encumbrance over the suit property by showing the original documents. If the petitioner will succeed in his attempt, the respondent will suffer a lot of mental agony and he has forced to implead the subsequent encumbered persons in the suit.

The respondent is only a paster cum President of the Zion Pentecostal Church and not owner of the suit property. The suit property belongs to the

Zion Pentecostal Church and the said Zion Pentecostal Church did not implead as party in the suit. This respondent is always ready and willing to proceed the case as early as possible. Till the disposal of the suit, the respondent strongly opposed to return the petition mentioned documents to the petitioner. If the documents released to the petitioner, thereafter he will flee from the native place and the respondent would suffer a lot to complete the suit. The reasons mentioned in the petition affidavit are false one. Hence the respondent prays to dismiss the petition.

4. The point for consideration in this petition is;

Whether the petition is to be allowed or not?

5. Point:

The petitioner stated that the original documents are required to deal with his principal property and for the enquiry before Revenue Divisional Officer, Vellore and the petitioner prays to return the documents by replacing the certified xerox copy of the documents, it is very essential to return the petition mentioned documents and the petitioner undertakes to produce the same into this court, whenever it is called for and hence the original documents may be returned to the petitioner.

But the respondent denied the allegations and stated that the respondent reliably learned and believed to be true that the petitioner planned to create encumbrance over the suit property by getting original documents from this court to continue the legal proceedings endlessly.

Because, the petitioner already created number of void documents in respect of the suit property and due to the above said reasons alone, the respondent filed the said suit in O.S.No.86/2021. If the petitioner will succeed in his attempt, the respondent will suffer a lot of mental agony and he has forced to implead the subsequent encumbered persons in the suit.

Even though the respondent stated that the petitioner will create encumbrance over the suit property, not specifically denied about the enquiry before Revenue Divisional Officer, Vellore and the petitioner is stating that he has to produce the original documents only before the enquiry officer and also undertakes to file the original documents whenever the court orders to produce the same. Further the petitioner is filing the certified copies of the documents. Hence this court considers that no prejudice will be caused to the respondent if the original documents are returned to the petitioner after replacing the certified copies of the same and further the trial of the suit is not yet commenced and the petitioner may be directed to produce the original documents after the enquiry is over and shall produce the original documents at the time of trial.

From the above discussions this court considers that the petition may be allowed and no prejudice will be caused to the otherside if the original documents are returned after replacing the certified copies of the said documents.

In the result, this petition is allowed. No cost.

Dictated to steno typist, typed by her directly through computer, corrected and pronounced by me in open court, this the 25th day of March 2024.

**Additional District Judge(FTC)
Vellore.**

Both side witnesses and Exhibits: NIL

**ADJ(FTC),
Vellore.**

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VELLORE, VELLORE DISTRICT.

PRESENT: Tmt.P.Revathy, M.A.,M.L.,
Additional District Judge(FTC),Vellore.

Dated this the 25rd day of March 2024, Monday.

I.A.NO.8/2023 in
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S.Wilson, aged 65 years, S/o.Late.Samuel, residing at D.No.22, C.Sector,
V.G.Rao Nagar, Tharapadavedu, Katpadi, Vellore District, Represented by
Power Agent J.Jacob Premanand aged 60 years, S/O.Jeevarathinam, residing
at No.317, Sundara Ganapathy Street, Gandhi Centenary Colony, Gandhi
Nagar, Vellore – 632 006.

..Petitioner/Plaintiff

//Vs//

Immanuel Paul, aged 56 years, S/o.Paul, residing at Palar River Bund,
Opposite to Chelliyamman Kovil, Near Green Signal Ganesh Cars,
Collector Office Road, Vellore.

... Respondent/Defendant

Petition filed by the petitioner under Or.13 Rule 9 and Sec.151 of
CPC prays to return the original documents mentioned in this petition.

This petition is coming before me on 21.03.2024 for final hearing in
the presence of Thiru.R.Nithyanandam and Tmt.K.Padmavathi, Counsels
for the petitioner and of Thiru.J.Sridharan, counsel for the respondent and
upon hearing the arguments of both sides and upon perusing the entire case
records and having stood over for consideration, till this date this court doth
order and decreetal order as follows:-

DECREETAL ORDER

1. That the petition be and the same is hereby allowed.
2. That there is no cost.

Given under my hand and the seal of this court, this the 25th day of
March 2024.

**Additional District Judge,(FTC)
Vellore.**

