

IN THE COURT OF THE ADDITIONAL DISTRICT MUNSIF,
PERAMBALUR

AT PRESENT: Thiru. D. DINESH B.B.A., LLB.(Hons).,
ADDITIONAL DISTRICT MUNSIF,
PERAMBALUR

Thursday the 7th day of August 2025

I.A.No.7/2025

in

ORIGINAL SUIT NO.216/2022

CNR.NO. TNPB04-000238-2022

Selladurai

.....Petitioner/ Plaintiff

/Vs/

1. Raja

2. Arjunan

3. Subramani

..... Respondents/ Defendants

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This petition is coming before this court for final hearing on 21.07.2025 in the presence of Learned Counsel Thiru. K. Manimaran for Petitioner/ Plaintiff and Learned Counsel Thiru. T. R. Ramamurthy for Respondents/ Defendants and upon

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perusing the case records, on hearing both sides and having stood over for consideration till this date, this court delivered the following:

ORDER

This petition has been filed under Order 13 Rule 9 and Section 151 of Civil Procedure Code to return the sale deed(Ex.P1) dated 10.04.2000 filed by the petitioner/ plaintiff in this case to the petitioner/ plaintiff for the reasons stated in the affidavit and thus render justice.

1. The averments in the petition in brief is as follows:

According to petitioner, the petitioner/plaintiff has filed the suit against respondents/defendants for declaration and permanent injunction. The petitioner/ plaintiff has been marked the Sale deed dated 10.04.2000 as Ex.P1 on his side. The petitioner/ plaintiff applied for agricultural loan at the bank where the officials has informed the petitioner about the requirement of comparing with the original sale deed. Therefore, it is very necessary to return the sale deed(Ex.P1) dated 10.04.2000 filed by the petitioner/ plaintiff in this case to the petitioner/ plaintiff. Hence the petition has to be allowed.

2. The averments in the counter filed by respondents:

The respondent resisted the petition by contending that all the allegations in the petition are not correct. In this case, the petitioner/ plaintiff has filed the chief

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evidence on 06.10.2023 and marked the documents. After that, petitioner/ plaintiff was given more opportunities to mark the additional documents on 18.10.2023, 10.11.2023, 21.11.2023 and 06.12.2023. Then the chief examination was concluded on 06.12.2023. Further , the case was posted for the cross examination on 11.01.2024, 30.01.2024 and 05.02.2024 . This petition has been filed for the return of the Sale deed(Ex.P1), dated 10.04.2000 filed by the petitioner/ plaintiff. Since the case is not concluded and the case is at the stage of cross examination of the petitioner/ plaintiff by the respondents/ defendants , this petition to return the marked document is not maintainable in law. The petitioner/ plaintiff has no intention of concluding the case expeditiously. In this case, This petition is not maintainable in law. This petition has been filed with only intent to drag on the proceedings. Hence this petition has to be dismissed.

3. The point for consideration:

1. Whether the petition is to be allowed or not?
2. Heard both side. No oral evidence have been adduced on either side.

4. Point:

4.1. The petitioner has sought the return of Ex.P.1, the sale deed dated 10.04.2000, for the purpose of availing an agricultural loan. The respondent's counsel has contended that the petition is not maintainable in law, as the case has not yet been concluded and is currently at the stage of cross-examination of the petitioner/plaintiff

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by the respondents/defendants. In order to determine the maintainability of this petition, it is useful to refer to the provisions of Order XIII Rule 9 CPC, and the relevant extracts are reproduced hereunder as follows:

Order 13 Rule 9 . Return of documents :

(1) Any person, whether a party to the suit or not, desirous of receiving back any document produced by him in the suit and placed on the record shall, unless the document is impounded under rule 8, be entitled to receive back the same,-

(a) where the suit is one in which an appeal is not allowed, when the suit has been disposed of, and

(b) where the suit is one in which an appeal is allowed, when the Court is satisfied that the time for preferring an appeal has elapsed and that no appeal has been preferred or, if an appeal has been preferred, when the appeal has been disposed of:
Provided that a document may be returned at any time earlier than that prescribed by this rule if the person applying therefore-

(a) delivers to the proper officer for being substituted for the original,-

(i) in the case of a party to the suit, a certified copy, and

(ii) in the case of any other person, an ordinary copy which has been examined, compared and certified in the manner mentioned in sub-rule (2) of rule 17 of Order VII , and

(b) undertakes to produce the original, if required to do so: Provided also, that no document shall be returned with, by force of the decree, has become wholly void or useless.

(2) On the return of a document admitted in evidence, a receipt shall be given by the person receiving it. ”

4.2. A reading of the above provision makes it clear that a person who produces a document in the court is entitled to receive / get back the same on the following circumstances:

A]. Sub Rule 1(a) deals with a case where the suit has been disposed of, against which no appeal is provided.

B]. Sub Rule 1(b) contemplates where the appeal is allowed, if no appeal is filed within the time stipulated for preferring the appeal or appeal has been filed and is disposed of.

C]. The proviso of Sub Rule 1 deals with the case which does not fall under the above mentioned two circumstances and that the document can be returned at any time earlier than that prescribed by Sub Rule 1, if a party

substitutes a certified copy of the document, which is already marked and undertakes to produce the original if required to do so.

3. The first proviso clause has given the rights to the parties to seek for the return of the document which has been marked by them before the court. Further it has distinguished what has to be produced as substitute based upon the persons and the relevant clause is here under :

“Provided that a document may be returned at any time earlier than that prescribed by this rule if the person applying there for-

(a) delivers to the proper officer for being substituted for the original,—

(i) in the case of a party to the suit, a certified copy, and

(ii) in the case of any other person, and ordinary copy which has been examined, compared and certified in the manner mentioned in sub-rule

(2) of rule 17 of Order VII”

4.3. Thus, on a clear reading of the above provisions, it is safe to conclude that the parties may seek the return of documents even during the pendency of the suit. Hence, the respondent’s contention regarding the maintainability of the petition is negatived.

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4.4. In the present case, since the petitioner is a party to the suit, the relevant provision applicable shall be Order XIII Rule 9, first proviso, clause (a)(i) CPC. This Court is satisfied with the reasons stated in the affidavit. Hence, this Court is of the view that the petition deserves to be allowed, subject to the fulfilment of the following conditions:

1. The certified copy of Ex.P.1 shall be submitted before the Court along with a written undertaking .
2. The written undertaking shall contain the following:
 - a) An unconditional undertaking stating that the said document shall not be used for any purpose other than that mentioned in the affidavit.
 - b) A further undertaking that the document will be returned whenever directed by the Court.

In the result, the I.A. is allowed, subject to the condition that the certified copy and the written undertaking are submitted on or before 19.08.2025. On failure to comply, the I.A. shall stand dismissed automatically.

Dictated by me, typed by the Steno-typist, corrected and pronounced by me in Open Court on this the 7th day of August 2025.

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Petitioner side Evidence, Exhibits: **Nil.**

Respondents Side Evidence, Exhibits: **Nil.**

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