



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI
CRP.Nos.2936 & 2938 of 2023
and CMP. No.18157 & 18163 of 2023

1.V.K.Rajeswari
2.Indrakumar

... Petitioner in both CRPs

Vs.

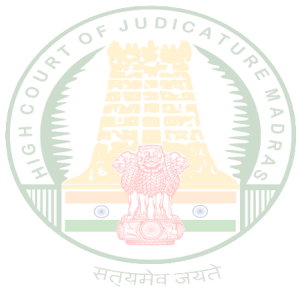
1.UCO Bank,
Rep by its Branch Manager,
Pursawalkam,
New Pursawalkam High Road,
Chennai – 600 007.

2.Maraikar Kasim Mohamed,
Proprietor, M/s.Classic Food Products,
Residing at No.15, Brethapet Road,
Vepery, Chennai 600 007.

3.Aanam Yousuff

... Respondents in both CRPs

COMMON PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 17.07.2023 in I.A. No.1 of 2021 in O.S. No.1349 of 2005 & 15.09.2022 in I.A. No.10761 of 2018 in O.S. No.1349 of 2005 on the file of II Assistant City Civil Court, Chennai.



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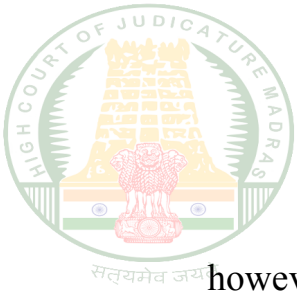
For Petitioners : Mr.I.Abrar Mohamed Abdullah

For Respondents : Mr.M.S.Seshadri for
Mrs.Aishwarya S.Nathan for R1

COMMON ORDER

The defendants 3 and 4 are the revision petitioners, aggrieved by the Interlocutory Applications to re-open the evidence on the side of the defendants and also to issue subpoena to the Sub Registrar, Anna Nagar to produce the original records pertaining to the sale deed dated 05.08.1997, registered as Document No.2332 of 1997 on the file of the SRO, Anna Nagar. The said Applications came to be dismissed by the Trial Court on the ground that the petitioners have not been diligent and they have not even lodged any police complaint.

2. The learned counsel for the petitioners, Mr.Abrar Mohammed Abdullah, assailing the findings would contend that, when the Court was confronted with two sets of original documents pertaining to the very same property being sold, the Court ought to have allowed the Application in order to ascertain the genuineness of the documents that were put to test before the Trial Court.



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3. The learned counsel for the respondents, Mr.M.S.Seshadri would however contend that the suit is of the year 2005 and there has been an inordinate delay in taking out the Applications which has been rightly factored by the Trial Court. He would also state that a certified copy has already been marked as Ex.B2 and therefore, there would be no useful purpose in summoning the Sub Registrar, to produce the original document available in the SRO, Anna Nagar.

4. I have carefully considered the submissions advanced by the learned counsel on either side.

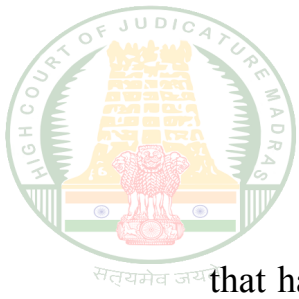
5. It is the case of the revision petitioners that the revision petitioners have purchased the property from the second defendant who had initially mortgaged the subject property with Life Insurance Corporation as early as on 03.08.1998. After settling the dues of LIC, the revision petitioner has purchased the property from the second defendant and the original sale deed dated 05.08.1997 in Ex.B1 has been handed over to the purchasers viz., revision petitioners. However, the plaintiff /UCO Bank is claiming to have the custody of the original sale deed dated 05.08.1997 which according to



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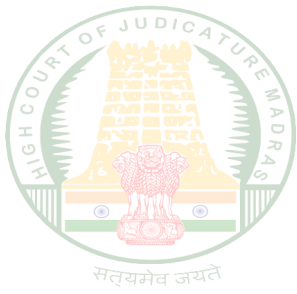
them has been pledged with them by way of equitable mortgage on 05.12.2001 and based on the said deposit of title deeds, the Bank has come forward to recover monies due and payable by the defendants.

6. The case of the defendants 3 and 4 is that the Bank Officials have colluded with the first defendant and thereby, rights of second defendant consequently, defendants 3 and 4 are being seriously prejudiced. The learned counsel would therefore state that an opportunity should be given to the defendants 3 and 4 to establish that the document under which the defendants 3 and 4 purchased the property, claiming under the document that had been deposited with LIC is the original sale deed and that the document which is claimed by the plaintiff is not original, but fabricated. Both the documents dated 05.08.1997, Ex.A9, which is relied on by the plaintiff and Ex.B1, which is relied on by the defendants 3 and 4, by way of typedset of papers, as well as the certified copy of the very same sale deed, which has been issued by the Sub Registrar Anna Nagar is also produced, in fact, the same has also been marked as Ex.B2, before the Trial Court.



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7. According to the learned counsel for the petitioners, certified copy that has been issued by Sub Registrar, i.e., Ex B1 sale deed, which is relied on by the defendants 3 and 4 and only in order to establish the same, the Applications were taken out. Once the certified copy is made available, then I see no useful purpose for summoning the original records in the Sub Registrar's Office, because apart from the typed copy of the sale deed which has already been issued by way of certified copy, no other records pertaining to the original sale deed would be available in the Sub Registrar Office. On execution and registration of the sale deed, the original document would be handed over to the purchaser, or any authorized person on behalf of the purchaser. The said documents is already before the Court. The only question, the Court has to determine is whether ExA9 is genuine or Ex.B1 is genuine. Considering the fact that Sub Registrar, Anna Nagar has issued a certified copy of sale deed registered before him on 05.08.1997, it is for the Trial Court to apply its mind and find out which among Ex.A9/Ex.B1 is genuine and to come to a conclusion regarding the impugned claim of the plaintiffs/defendants 3 and 4.



P.B.BALAJI.J.,

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8. In view of the above, I do not find any reason to interfere with the common order passed by the Trial Court dismissing the Applications. However, the Trial Court is directed to take into account the certified copy issued by SRO, Anna Nagar which has been already marked as Ex.B2 while adjudicating the issue that arises in the suit. The suit is of the year 2009 and the same is at the stage of arguments, the Trial Court shall dispose of the same, on merits and in accordance with law, on or before, 10.10.2025.

9. Accordingly, this Civil Revision Petitions are dismissed with the above directions. Connected Miscellaneous Petitions are also dismissed.
No costs.

22.07.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

rkp

To

The II Assistant City Civil Court,
Chennai.

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