

C.R.P. No.1320 of.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

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THE HONOURABLE MR. JUSTICE N. MALA

C.R.P.No.1320 of 2026

Govindaraj

... Petitioner

Vs.

Kumar

... Respondent

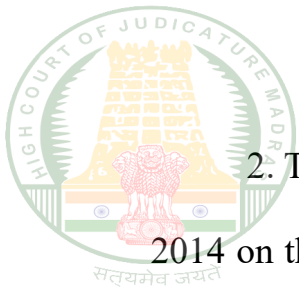
PRAYER : Civil Revision Petition filed under Section 115 of CPC., to set aside the order passed in ARD.No.29 of 2024 in I.A.No.01 of 2020 in OS.No.101 of 2014 on the file of the District Munsif Court, Uthangarai dated 20.03.2025.

For Petitioner : Mr.M.Arun

For Respondent : Mr.J.Pradeep

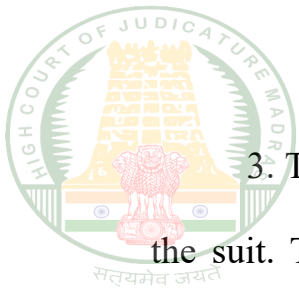
ORDER

This Civil Revision Petition is filed against the order dated 20.03.2025 passed in I.A.No.1 of 2024 in OS.No.101 of 2014 on the file of the District Munsif Court, Uthangarai.



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2. The respondent herein filed a suit against the petitioner in O.S.No.101 of 2014 on the file of the District Munsif Court, Uthangarai, for recovery of sum of Rs.53,766/- on the basis of a promissory note executed on 02.02.2024, by the petitioner for borrowal of a sum of Rs.50,000/- for his family expenses. Since the petitioner failed to repay the sum along with agreed interest of 12% per annum, the respondent issued a legal notice on 18.06.2014 to the petitioner. Even thereafter as the petitioner failed to pay the amount, the respondent filed the aforesaid suit. In the said suit, the petitioner filed an Interlocutory Application in IA.No.1 of 2020 under Order 26 Rule 10(A) of Civil Procedure Code and Section 45 of Indian Evidence Act, seeking for the forensic examination of the signature to prove that the signatures in the promissory note were not made by him. The said I.A.No.1 of 2020 was allowed by the Court on 25.04.2023. In the said IA, for comparison of the signatures, the petitioner produced two original documents namely, Exhibit-X1- Sale Deed bearing Document No.1164 of 2013, executed by him on 18.03.2013, in favour of one Kosala and Exhibit-X2-Sale Deed bearing document No.4332 of 2015 dated 14.12.2015 executed by him in favour of one Gurusamy. The expert examined the disputed signatures and gave his report stating that the signatures found in the suit promissory note did not match with the petitioner's admitted signatures in the above sale deeds.

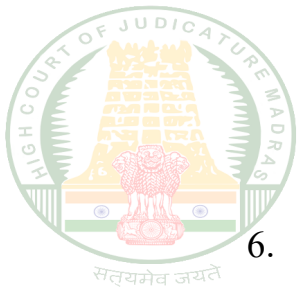


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3. The trial Court after considering the entire evidence on record discussed the suit. Thereafter, the petitioner filed the petition in IA.No.1 of 2024, under Order XIII Rule 9 of the Code of Civil Procedure, 1908, for return of documents namely Exhibits-X1 & X2. The said application was dismissed by the trial Court. Therefore, the petitioner filed the present Civil Revision Petition.

4. The learned counsel for the petitioner submitted that in the Interlocutory Application filed by the petitioner, the petitioner had given an undertaking affidavit before the trial Court, stating that he would submit the certified copies of the said documents in place of the original documents. The learned counsel for the petitioner submitted that despite the undertaking affidavit, the Lower Court dismissed the petition, which is violative of the provisions of Order XIII Rule 9 of CPC. The learned counsel therefore submitted that the impugned order deserved to be set aside.

5. The learned counsel for the respondent submitted that there was a delay in filing the appeal against the judgment of the trial Court and that the delay was condoned and the appeal was taken on file in A.S.No.18 of 2025. The learned counsel therefore submitted that since the documents were necessary for proper adjudication of the appeal, the refusal of the Lower Court to return the documents cannot be faulted.



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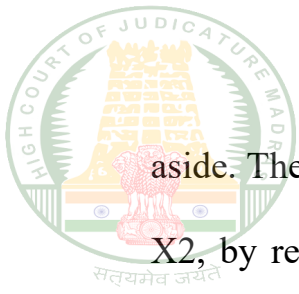
6. I heard both the learned counsels and perused the materials placed on

record.

7. Order XIII Rule 9 of the Code of Civil Procedure (CPC), 1908, governs the return of admitted documents to the party who produced them. It mandates that original documents be returned once they are no longer required, usually after a suit is disposed of and by substituting the originals with certified copies, if needed.

8. The petitioner in his undertaking affidavit has categorically stated that he would produce the certified copies of two original sale deeds, namely Exhibit-X1 and Exhibit-X2. The documents produced by the petitioner being original documents, of his vendors, the petitioner is justified in seeking the return of the documents by substituting them with certified copies of the same.

9. The Lower Court ought to have exercised the jurisdiction vested in it by law and allowed the IA. Merely because the appeal is pending, the trial Court ought not to have refused to return the documents, moreso when the provisions of Order XIII Rule 9 of the Code of Civil Procedure, 1908, permit the same. This Court therefore finds that the order passed by the trial Court is liable to be set



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aside. The trial Court shall return the documents namely Exhibit-X1 and Exhibit-X2, by receiving the certified copies of the documents, in their place, within a period of four weeks from the date of receipt of a copy of this order.

10. With the above direction, this Civil Revision Petition is allowed. No costs.

16.03.2026

Index:Yes/No
Speaking Order:Yes/No
Neutral Citation:Yes/No
dna

To

The District Munsif Court, Uthangarai.



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N. MALA, J.

dna

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