

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, POLLACHI.**PRESENT: Thiru. M.S.SREENATH, B.A., B.L.,(Hons) L.L.M.,
Additional District Munsif, Pollachi****Tuesday 03rd day of March 2026****IA 6/2025****In****O.S. No.174/2022**

Padmavathy ... Petitioner/Plaintiff

Vs.

Jagadeesh ... Respondent/Defendant

This Petition came up for final hearing before me in the presence of Thiru P.Devakumaran, learned Counsel for Petitioner, and in the presence of Thiru.K.P.Shanmugam, learned counsel for the Respondent. Upon hearing the arguments of the both sides and upon perusing the materials on record and having stood over for consideration till this day, this court passes the following:

ORDER

This petition is filed under Order XVI Rule 1(2) of CPC by the petitioner to call the revenue officials as witness.

2. SUBMISSIONS OF THE PETITIONER

(2.1) The petitioner is the Plaintiff in the above suit. The petitioner has submitted that, one Mr.Thangavelu Chettiar, S/o. Krishnasamy Chettiar bought land from Chinna Palani Chettiar, S/o. Subbhu Chettiar to an extent of 1.73 acre in survey No:292/3 (Now 292/3B) vide Document No:1155/1969 dated 13.10.1969 and

thereafter he enjoyed and died intestate in the year 2014. He also submitted that death certificate of deceased Thangavelu Chettiar was obtained on 28.11.2014 and legal heir certificate was obtained by T.Kaliammal on 13.02.2015, thereafter he applied Patta and the Tahsildar issued stating that entitlement of the land to the extent of 0.77 Hectare as mentioned in the reference.

(2.2) The petitioner has submitted that, a Release Deed was registered in favour of T.Jagadeesh from the LRs' of Thangavelu Chettiar, vide document No:5365 of 2021 dated 02.12.2021 and that actual land of T.Jagadeesh after release deed executed must be 1.73 Acre or 0.7 Hectare, but Patta was allegedly issued to an extent of 1.9 Acres or 0.77 Hectare. The petitioner has also submitted that, due to the error in the patta no.2786 in Survey No.292/3 (Now 292/3B) found to be mischievous. Therefore, the petitioner sent letter to The District Revenue Officer, Coimbatore District Coimbatore, for cancellation of alleged Patta, marked with a copy to the Tahsildar Anaimalai Taluk, Pollachi.

(2.3) The petitioner has submitted that, the revenue authority contacted over phone regarding my petition and never visited the field and ascertained the fact. The cancellation of patta is necessary to prove his case in the above O.S. Hence it is necessary to enquire about the above-mentioned revenue officials in the court to prove his case. It is also necessary that the Tahsildar Anaimalai Taluk, Pollachi has to explain before this Hon'ble Court that under what basis he has issued patta No.2786 in Survey No. 292/3 (Now 292/3B) to the respondent/ defendant herein to an extent of 1.9 Acres instead of actual 1.73 Acres. Hence this petition.

3. COUNTER Of THE RESPONDENT:

(3.1) The petition is false frivolous, vexatious and not maintainable in law and on the facts of the case. This respondent does not admit any of the allegations contained in the petition and affidavit, except to the extent specifically admitted herein and the rest are put to strict proof. It is submitted that, this petition is totally a unnecessary one. The reasons stated in the above petition, is no way related to the dispute involved in this case. This petitioner /plaintiff have filed the above suit for declaration and permanent injunction regarding a cart track. No dispute has been raised regarding the extent of this defendant's property in the plaint and no relief has sought by this petitioner / plaintiff in the plaint in the above suit. No issues have also been framed by this Hon'ble court regarding the averments stated in this petition.

(3.2) It is further submitted that, this being so, unnecessarily to drag on the proceedings, the petition has come forward with this petition. The revenue officials being called for, for giving evidence regarding the issuance of patta, is no way related to the dispute involved in this case and it will be no way helpful to the petitioner/plaintiff, to prove the dispute involved in this case. The petitioner / plaintiff being a recent purchaser of her property, the petitioner / plaintiff has no right to question the patta issued to this defendant's property, even prior to it.

(3.3) It is further submitted that, the patta related to the defendant's property, originally stood in the name of the defendant's father, Thangavel, ever since from the date of purchase of that property by the defendant's father, Thangavel, in the year 1969. Subsequent to the death of the plaintiff's father, the revenue records related to his property was changed into the name of his legal heirs and as such, patta was issued in the name of this defendant, his mother and his sisters. The patta was issued

to the same extent as it was issued in the name of the defendant's father. Subsequent to the release deed dated 02.12.2021 executed in favour of this defendant, regarding the defendant's father's property, patta was issued in the name of this defendant to that property to the same extent. Hence, ever since from the 1969, the revenue records to an extent of 1.90 punjai acre in S.F.No.292/3B, stood only in the name of the defendant's father and subsequently in the name of the legal heirs of the defendant's father and subsequently in the name of this defendant. Even in the release deed these facts has been mentioned in the description of the property.

(3.4) It is further submitted that, even at the time of this petitioner / plaintiff purchasing her property on 15.07.2021, the patta to the defendant's property stood to the same extent. The vendors of the petitioner/plaintiff and their predecessors in title of the plaintiff's property, themselves have not questioned the same at any point of time. Hence, this petitioner/plaintiff, being a subsequent purchaser cannot question the same. As already stated, the dispute involved in this case is no way related to the extent of the defendant's property. Hence, this petition is not maintainable.

4. DISCUSSIONS

(4.1) Both side enquiry heard. Records perused. Rival submissions considered. In the present petition, the petitioner has sought to summon the revenue officials as witness to question them about the alleged difference in extent in patta No.2786 of the respondent. Per contra, the respondent objected the same stating that the evidence relating to the patta is not related to the dispute in the suit and hence the petition may be dismissed.

(4.2) In the present petition, the petitioner has generally mentioned as revenue

officials but not have specified the revenue officer who intends to summon. Furthermore on perusal of the plaint, it can be seen that there is no averments as to alleged difference in extent in patta No.2786 of the respondent. The present suit is only related to plaintiff's rights over use of suit B schedule property. The petitioner has failed to mention as to how the alleged difference in extent in patta No.2786 of the respondent is relevant to the adjudication of the present suit. It is trite law that no evidence beyond pleadings can be considered. Since there is no pleadings as to alleged difference in extent in patta No.2786 of the respondent, any evidence upon the same could not be considered. Moreover, the petitioner has admittedly mentioned in the petition that he had sent letter to District Revenue Officer only on 11.09.2025. The petitioner has failed to explain how the evidence of the revenue officials would be relevant in the suit. In cumulative effect of the aforesaid discussion, this court is not inclined to allow this petition.

IN THE RESULT, this petition is dismissed without costs.

Dictated by me, typed by steno-typist on my computer and corrected by me and pronounced by me in open court on this 03rd day of March, 2026.

ADDITIONAL DISTRICT MUNSIF
POLLACHI

Petitioner side Witnesses and documents: Nil

Respondent side Witnesses : Nil

Respondent side documents:

| Doc. No | Date | Name of the Document | Nature |
|----------------|-------------|-----------------------------|---------------|
| Ex.R1 | 29.11.1982 | Patta No.293 | Original |
| Ex.R2 | 25.01.2021 | PattaNo.293 | Online copy |
| Ex.R3 | 13.02.2021 | Patta No.2786 | Online copy |
| Ex.R4 | 24.01.2026 | Patta No.2900 | Online copy |
| Ex.R5 | - | Patta Pass Book | Xerox copy |

ADDITIONAL DISTRICT MUNSIF
POLLACHI

Fair Order

Fair/Draft

I.A.No.6/2025 in O.S.174/2022

Date: 03.03.2026

Additional District Munsif Court, Pollachi
