

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

Present : Tmt.M.Santhosham., B.Sc., B.L.,

District Munsif, Sulur

Thiruvalluvar year 2056 Visvavasu year, 4th day of Pankuni

Wednesday the 18th day of March 2026

I.A.No.5/2026

in

O.S.No.110/2022

M. Gowri

... Petitioner/ 1st Defendant

/VS/

1. S. Latha

2. S. Karthikeyan

3. S. Sivaranjani

... Respondents/Plaintiffs

This petition coming for final hearing before me in the presence of Mr. V. Jgadeesan, Advocate for the Petitioner and of Mr.P.Vijayasekar, Advocate for the 1st Respondent and the 2nd and 3rd Respondents are exparte in main suit and upon perusing the records and having stood over for consideration till this day this Court delivered the following :

ORDER

This petition is filed under order 16 Rule 7 r/w section 151 of CPC to summon the petition mentioned official, who has handled and enquired to issue the legal heir certificate to the petitioner and to produce the petition mentioned records and give evidence about the documents in the above said suit as time fixed by this court.

1. The brief averments of petition and affidavit filed by the petitioner as follows:-

1.1. The present suit relates to the issue of legal heir certificate in respect of deceased Paramasivem son of Velappa Thevar and the property situated in

Ottarpalayam Village comprised in S.F.Nos.273/5, 273/2 and 273/6 covered under Patta Nos.519 and 593. A legal heir certificate bearing No.720220413704 dated 28.04.2022 was issued in respect of late Paramasivam, S/o Vellappa Thevar, who died on 10.02.1995. Subsequently, Patta transfer proceedings were conducted in Na.Ka.No.2102/2022/A7 dated 06.09.2022 and further proceedings in 2022/0103/12/406306 dated 30.09.2022 with respect to the above survey fields.

1.2. The said legal heir certificate and patta transfer proceedings is the dispute raised by the plaintiffs. The genuineness, procedure adopted, and basis on which such certificate and revenue entries were issued are directly in issue in the present suit. It is therefore absolutely necessary and essential to summon the Thasildar who issued the legal heir certificate and conducted the patta transfer proceedings, in order to come to the just conclusion of this suit. The evidence of the Thasildar is vital for the just and proper adjudication of the issue involved in the suit. Without summoning the concerned authority and records, the 1st defendant will be seriously prejudiced. The revenue records are public documents, and their production through the proper custodian is necessary to test their authenticity and evidentiary value before this court. Hence, the petition is to be allowed.

2. The brief averments of Counter filed by the 1st Respondent as follows:

2.1. The petition is false, frivolous, vexatious and unsustainable both in law and on facts of the case. The 1st respondent/ 1st plaintiff do not admit any of the averments mentioned in the petition as true and correct except those that are specifically admitted hereunder and put the petitioner to strict proof of the same. The concerned authority did not enquire the matter with genuine documents and person. The concerned authority has not received the death certificate of the deceased Paramasivam's wife ie., Saraswathy without confirmation of the death of Saraswathy, the birth and death registrar is not entitled to issue legal heirship certificate in favour of the petitioner/ 1st defendant.

2.2. The contentions stated in petition “It is therefore absolutely necessary and essential to summon the Thasildar who issued the legal heir certificate and conducted the patta transfer proceedings, in order to come to the just conclusion of this suit” are unnecessary one and abuse of process. The contentions stated in his petition “the evidence of the Thasildar is vital for the just and proper adjudication of the issued involved in the suit. Without summoning the concerned authority and records, the 1st defendant will be seriously prejudiced” are unnecessary one. The contentions stated in his petition “The revenue records are public documents, and their production through the proper custodian is necessary to test their authenticity and evidentiary value before this court” are nothing but it is misleading the court without any valid evidence. The above said petition has no merits, hence it is liable to be dismissed with exemplary costs.

3. No Witnesses were examined on either side, and no documents were marked as exhibits.

4. Points for Consideration:-

Whether the petition under order 16 Rule 7 r/w section 151 of CPC to summon the petition mentioned official, who has handled and enquired to issue the legal heir certificate to the petitioner and to produce the petition mentioned records and give evidence about the documents is to be allowed?

5. Points:-

5.1. The petition affidavit, counter and the enquiry of both parties were carefully considered. Heard the counsels for both the parties. The suit documents were carefully examined. The main suit is filed for Declaration and the original suit is pending for further Defendant side evidence.

5.2. The petitioner stated that, a legal heir certificate bearing No.720220413704 dated 28.04.2022 was issued in respect of late Paramasivam, S/o Vellappa Thevar, who died on 10.02.1995. Subsequently, Patta transfer proceedings were conducted in Na.Ka.No.2102/2022/A7 dated 06.09.2022 and further proceedings in 2022/0103/12/406306 dated 30.09.2022 with respect to the above survey fields. The said legal heir certificate and patta transfer proceedings is the dispute raised by the plaintiffs. The genuineness, procedure adopted, and basis on which such certificate and revenue entries were issued are directly in issue in the present suit. It is therefore absolutely necessary and essential to summon the Thasildar who issued the legal heir certificate and conducted the patta transfer proceedings, in order to come to the just conclusion of this suit.

5.3. The 1st respondent objected that, the concerned authority did not enquire the matter with genuine documents and person. The concerned authority has not received the death certificate of the deceased Paramasivam's wife ie., Saraswathy without confirmation of the death of Saraswathy, the birth and death registrar is not entitled to issue legal heirship certificate in favour of the petitioner/ 1st defendant.

5.4. The petitioner/ 1st defendant filed this petition to summon the Tahsildar, Sular Taluk to produce the Legal heir certificate No.720220413704 dated 28.04.2022, Na.Ka.No.2102/2022/A7 dated 06.09.2022, Proceedings No.2022/0103/12/406306, Patta Nos.519 and 593 relating to S.F.Nos.273/5. 273/2 and 273/6. The suit prayer is plaintiffs and 4th to 9th defendants are the only sole legal heirs of the deceased Paramasivam, who is the younger brother of Palaniyappan and uncle of the plaintiff, who died on 10.02.1995 and legal heirship certificate issued by the 3rd defendant infavour of the 1st defendant dated 28.04.2022 in TN-720220413704 is null an void.

5.5. This court should given opportunity to both side to adduced their side oral and documentary evidence before this court to prove their case on merits. In view of the above said contention this court intent to give one more opportunity to prove the defendant's case by summoning to produce the documents. Hence, this court thinks it is necessary to summon the Tahsildar, Sulur Taluk to produce documents and to give evidence on the same.

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

Dictated to the Steno-typist and directly typed by her in computer, corrected and pronounced by me in open court this the 18th day of March 2026.

Sd/M.Santhosham
District Munsif,
Sulur.

List of witnesses and documents on Petitioners side:- - Nil

List of witnesses and documents on Respondents side:- - Nil

Sd/M.Santhosham
District Munsif,
Sulur.

Draft/ Fair Order
I.A.No.5/2026 in
O.S.No.110/2022
Dated:18.03.2026
DMC, Sulur