

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

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

District Munsif, Sulur

Thiruvalluvar year 2056 Visvvasu year, 9th day of Panguni

Monday the 23rd day of March 2026

I.A.No.17/2026

in

O.S.No.338/2017

M. Ramachandran

... Petitioner/Defendant

/VS/

1. P. Rukumani

2. G. Chitra

... Respondents/Plaintiffs

This petition is coming on this day for final hearing before me in the presence of Mr.A.Malavan, Advocate for the Petitioner and Ms.P.K.Praburaam, Advocate for the Respondents and upon perusing the records, and this court made the following:

ORDER

This petition filed by the petitioner under order 11 Rule 14 r/q section 151 of CPC to Direct the plaintiff / PW.2 to produce the original Passport covering the period from 2012 to 2026, as admitted by him during cross – examination dated 09.02.2026, under Order XI Rule 14 of the Code of Civil Procedure.

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

1.1. The respondent/plaintiff has filed the main suit for Mandatory injunction and other relief. The suit is pending for adjudication before this court and the matter is presently at the stage of defendant's evidence. During the course of cross – examination, PW.2 on 09.02.2026, the said witness categorically admitted that

he is in possession of his original Passport covering the period from 2012 to 2026. The said admission was made before this court and the witness further expressed that the said document could be produced before the court if directed.

1.2. The said passport is a material and vital document for adjudication of the issues involved in the suit, as it would clearly disclose the travel history and physical presence of PW.2 during the relevant period pertaining to the dispute and the entries would clearly establish the movement and presence of PW.2 during the relevant period and would have a direct bearing on the issues involved in the suit as well as on the credibility of his testimony. Production of the said Passport would materially assist this court in determining the truth and in arriving at a fair and proper conclusion in the matter. Unless this court directs production of the said document, the defendant will be seriously prejudiced in effectively establishing his defense and in testing the veracity of the witness. This affidavit is bonafide and filed in the interest of justice and not with any intention to delay the proceedings. Hence, this petition is to be allowed.

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

2.1. This petition is false, frivolous and not maintainable both on facts and law. This respondent demise the entire allegation made in the petitioner affidavit except those that are specifically admitted herein and put the petitioner into the strict proof of each every one of the same. The petitioners come forward with the present application to reopen the complaint side evidence and to produce the passport copy of the PW.2. Already the petitioner counsel elaborately cross examined PW.1 and PW.2 and thereafter complaint side evidence was closed and posted for defense side witness. At this juncture without necessity, the petitioner filed this petition is not at all maintainable. Only with intention to drag on the case, the petitioners filed this present application. Hence, the petition is not at all maintainable both on law and on the facts. Hence, the petition is to be dismissed.

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

4. Points for Consideration:-

Whether the petition under order 11 Rule 14 r/w section 151 of CPC to Direct the plaintiff / PW.2 to produce the original Passport covering the period from 2012 to 2026 is to be allowed?

5. Points :-

5.1. The petition affidavit, counter and the enquiry of both parties were carefully considered. Both parties were heard. The case records were perused. The suit has been filed seeking for the relief of Permanent Injunction as well as Mandatory Injunction against the petitioner/ defendant. Now this suit is pending for defendant side evidence.

5.2. The original suit was filed in the year 2012 and was taken on file by this Court in the year 2017. The suit has been pending for more than 14 years. The Plaintiff's side evidence has been completed, and the case is pending for the defendant's side evidence. At this stage, the petitioner has filed two applications seeking to reopen the plaintiff side evidence and to recall P.W.2 for mark his passport through him. Since the suit has been filed seeking the reliefs of Permanent Injunction and Mandatory Injunction, the dispute relating to the suit property has to be proved only through documents pertaining to the suit property.

5.3. In such circumstances, the relief sought by the petitioner/defendant to recall P.W.2 and to mark his passport through him is not acceptable. Further, considering that the suit has been pending for more than 14 years, the present application appears to have been filed only to cause delay. Hence, in the interest of justice, the said petition is dismissed.

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

Dictated to the Steno-typist and directly typed by her in computer, corrected and pronounced by me in open court this the 23rd day of March 2026.

Sd/M.Santhosham
**District Munsif,
Sulur.**

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

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

Sd/M.Santhosham
**District Munsif,
Sulur.**

Draft/ Fair Order
I.A.No.17/2026 in
O.S.No.338/2017
Dated:23.03.2026
DMC, Sulur