

**IN THE COURT OF THE DISTRICT MUNSIF, SULUR**

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

**District Munsif, Sulur**

Thiruvalluvar year 2056 Visvvasu year, 28<sup>th</sup> day of Month of Purattasi

Tuesday the 14<sup>th</sup> day of October 2025

**I.A.No.14/2025**

**in**

**O.S.No.937/2017**

1. M/s. K.P.R. Cotton Mills Pvt Ltd.,  
Rep by its Chairman K.P.Ramasamy
2. K.P. Ramasamy
3. K.P. Deivasigamani
4. P. Nataraj

**... Petitioners/Defendants**

**/VS/**

1. Deivasigamani (Died)
2. Subramani (Died)
3. Rajamani
4. Shanmugasundaram
5. SenthilPrakash
6. Maheswari
7. Nikila
8. Minor. Gowri

Represented by her Guardian mother Maheswari

**...Respondents/Plaintiffs**

This petition is coming on this day for final hearing before me in the presence of Mr.S.Chandrasekaran, Advocate for the Petitioners/Defendants and Mr.V.Raveendran, Advocate for the Respondents/Plaintiffs and upon perusing the records, and this court made the following:

**ORDER**

This petition filed by the petitioners under Order 8 Rule 1-A R/W Section 151 of CPC to produce the accompanying petition mentioned document.

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

1.1. The Plaintiffs herein have filed the above case against Petitioners for the relief to surrender the property of plaint Schedule Item No.1 measuring an extent of 0.64 ½ acre in S.F.No.194 (as per present Sub-division S.F.No.194/4) and for the other reliefs which we deny as incorrect by filing necessary written statement which may be read as part and parcel of this affidavit. Already the witness on the defendant side was examined and during such course, the defendants have changed their counsel. Whereas, after that, on perusal of records, the defendants have found that some of the documents are necessary to disprove the case of the plaintiffs. Which the previous counsel did not do so. Hence, Petitioners have filed an application in IA.No.12/2025 seeking relief for production of additional documents of title deeds and also another application in IA.No.13/2025 to recall DW1 for further examination, which were allowed by this court.

1.2. In the Meanwhile, CRP.No.125/2025 was pending before High Court as against the Fair and Final order passed in IA.No.10/2024 by this court in dismissing the application by seeking permission to appoint Advocate Commissioner to measure the property of the Petitioners/defendants herein. Whereas, the said Civil Revision Petition was taken up by High Court 31.07.2025 and allowed the CRP with direction by permitting the Advocate commissioner to measure the defendant's property based on Revenue Records and Title Deeds of petitioner herein. The order passed by the High Court in CRP.No.128/2025

1.3. Accordingly, the Advocate Commissioner visited the suit property along with surveyor on 15.09.2025 and after survey Advocate commissioner filed a

report to that effect before this court. The entire case of plaintiffs is that the defendants have encroached the portions in S.F.No.194/4. Whereas, as per UDR of the year 1985, a certified copy of which produced herewith disclose that 3<sup>rd</sup> petitioner vendor Rathinam and Jayaprakash was owner of the said property which itself suffice to prove petitioners' title.

1.4. As per the direction of High Court the subject matter of property was surveyed based on UDR and as well as 3<sup>rd</sup> petitioner title deeds and as such, it is just and necessary to produce the document listed in accompanying petition being updating of Registry of the year 1985 which is necessary to prove petitioners' title. 3<sup>rd</sup> petitioner is not wantonly negligent in producing the said document but at present it is necessary as per order passed in CRP.NO.128/2025. Hence this petition is to be allowed.

**2. The brief averments of Counter statement filed by the 5<sup>th</sup> Respondent and adopted by 3<sup>rd</sup>, 4<sup>th</sup> and 6<sup>th</sup> to 8<sup>th</sup> Respondents as follows:**

2.1. The petition is false, frivolous, vexatious and not maintainable both under law and on the facts of the case. On perusal of records, the defendants have found that some of the documents are necessary to disprove the case of the plaintiffs, which the previous counsel did not do so and hence, the Petitioner has filed a application in IA.No.12/2025 seeking relief for production of additional documents of title deeds and also another application in IA.No.13/2025 to recall DW1, for further examination. Even after the serious objections raised by the Respondents, the court was allowed the above application.

2.2. The Petitioner absolutely failed to disclose the sufficient cause for non production of the alleged document at the time of his evidence or at earlier. The alleged document is not issued by the Thasildhar, Hence the document was not treated as true copy and the same could not produce before the court as evidence.

The Petitioner is highly belated one. There is no merit or substance in the above application, The Petition is purely abuse of process of law and court. 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 8 Rule 1-A R/W Section 151 of CPC to produce the accompanying petition mentioned document 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 Permanent Injunction. Now the suit is in the stage of marking of documents on defendants side.

5.2. The petitioners stated that, As per the direction of High Court the subject matter of property was surveyed based on UDR and as well as 3<sup>rd</sup> petitioner title deeds and as such, it is just and necessary to produce the document listed in accompanying petition being updating of Registry of the year 1985 which is necessary to prove 3<sup>rd</sup> petitioner/ 3<sup>rd</sup> defendant title. The respondents objected to stated that, the alleged document is not issued by the Thasildhar, Hence the document was not treated as true copy and the same could not produce before the court as evidence.

5.3. Hence, this being the trial court, have to given opportunity to both sides to elucidated both side case before this court. Further this being the declaration and permanent injunction of title suit, this court must considered both side oral and

documentary evidences. The proof of relevancy and admissibility of the documents will be decided only at the time of pronouncement of judgment, without marking any documents, it cannot be rejected. Hence, in the interest of justice this petition is allowed.

***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 14<sup>th</sup> day of October 2025

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.14/2025 in  
O.S.No.937/2017  
Dated:14.10.2025  
DMC, Sular