

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

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

District Munsif, Sulur

Thiruvalluvar year 2056 Visvavasu year, 23rd day of Thai

Friday the 6th day of February 2026

I.A.No.11/2026

in

O.S.No.1075/2017

1. Pushpa

... Petitioner/Defendant

/VS/

1. Ramayee (died)

2. Muniappan

3. Rengammal

4. Veerammal (died)

5. Murugammal

... Respondents/Plaintiffs

This petition coming for final hearing before me in the presence of Mrs.D.Chitra, Advocate for the Petitioner and of Mr.K.Karthikaivelan, Advocate for the Respondents 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 1 of CPC to permit the petitioner to examine the Sub – Registrar, Sulur to come along with the petition mentioned documents and give evidence.

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

1.1. The Suit has been filed by the respondents/plaintiffs for the relief of

declaration, to declare the sale deed dated 21.05.1992 registered as doc.No.1732/1992 in the office of Sub Registrar, Sulur infavour of the defendant and other relief with respect to the suit schedule property. The petitioner/defendant is in possession and enjoyment of the suit schedule mentioned property ever since from the date of its purchase on 21.05.1992. After the purchase of the said property the petitioner/defendant obtained patta in petitioner/defendant favour. Thus the petitioner/defendant in exclusive possession and enjoyment of the suit property.

1.2. The respondents/plaintiffs stated that petitioner/defendant's vendor Muthusamy usually signed K.V.Muthusamy. In petitioner/defendant's sale deed he signed as Muthusamy, therefore Muthusamy not executed any sale deed. In order to prove petitioner/defendant case he intend to examine the Sub – Registrar, he may come along the previous documents and give evidence. Hence, the petitioner/defendant filing this petition to examine the Sub – Registrar, Sulur. Hence, the petition is to be allowed.

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

2.1. The petition is not maintainable in law or on facts and the same is liable to be dismissed in limine. The suit has been filed for declaration to declare the sale deed dated 21.05.1992 registered as doc.No.1732/1992 in the office of the Sub – Registrar, Sulur as null and void and not binding on the plaintiffs, along with other consequential reliefs. The consistent and consistent and specific case of the plaintiffs is that the alleged vendor was always signing as “K.V.Muthusamy” and not as “Muthusamy” and therefore the execution of the alleged sale deed by the said person is seriously disputed. Hence, the alleged document is suspicious, invalid and not binding on the plaintiffs. The Sub – Registrar is not a witness to the execution of the document, but only a registering authority. Examination of the Sub – Registrar will not prove the execution, genuineness and legality of the disputed sale deed, especially when the execution itself is denied by the plaintiffs.

2.2. The petitioner has not stated what specific previous documents are sought to be produced through the Sub – Registrar, nor has he explained the relevance of such document to the issues involved in the suit. The burden of proving valid execution of the sale deed is squarely upon the petitioner/defendant, and the same cannot be shifted by summoning a formal official witness like the Sub – Registrar. The present petition is a delaying tactic, intended to unnecessarily summon a public official and waste the valuable time of this court. The petition filed under Order XVI Rule 1 CPC deserves to be dismissed with cost.

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 1 of CPC to examine the Sub – Registrar, Sulur to come along with the petition mentioned documents and give evidence 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 by the Respondents/Plaintiffs. The original suit is pending for further Defendant side evidence.

5.2. The petitioner stated that, the petitioner/defendant is in possession and enjoyment of the suit schedule mentioned property from the date of its purchase on 21.05.1992. The respondents/plaintiffs stated that petitioner/defendant's vendor Muthusamy usually signed K.V.Muthusamy. In petitioner/defendant's sale deed he signed as Muthusamy, therefore Muthusamy not executed any sale deed. In order to

prove petitioner/defendant case he intend to examine the Sub – Registrar, he may come along the previous documents and give evidence.

5.3. The respondent objected that, the petitioner has not stated what specific previous documents are sought to be produced through the Sub – Registrar, nor has he explained the relevance of such document to the issues involved in the suit. The burden of proving valid execution of the sale deed is squarely upon the petitioner/defendant, and the same cannot be shifted by summoning a formal official witness like the Sub – Registrar.

5.4. On perusal of record, the defendant filed this petition to summon the Sub – Registrar, Sulur to call for to produce the sale deed dated 28.05.1979 doc.No.880/1979, sale deed dated 27.06.1979 doc.No.1085/1979 and sale deed dated 21.05.1992 doc.No.1732/1992. The suit is in the year 2014, hence, considering the year of suit, the 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 Sub – Registrar, Sulur 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 6th day of February 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.11/2026 in
O.S.No.1075/2017
Dated:06.02.2026
DMC, Sulur