

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

PRESENT: Tmt. V. Devapriya, B.Sc.,M.L.,
District Munsif, Madurantakam

Saturday, the 3rd day of June, 2023

I.A.No. 9/2023

in

O.S.No. 274/2012

K.N. Baskaran

...Petitioner/Plaintiff

-vs-

M. Sathiyaraj

...Respondent/Defendant

This petition coming up before me on 21.04.2023 for final hearing in the presence of, Thiru.S.Senthil Kumaran, Counsel for the Petitioner/Plaintiff and Thiru. G.S.Suresh Babu, Counsel for the Respondent/Defendant and after hearing the arguments of both sides and upon perusing the materials placed on record, and having stood over for consideration till this day, this court delivers the following,

ORDER

This petition has been filed by the Petitioner/Plaintiff under Order XVI Rule 1 and 6 of Code of Civil Procedure, to summon the Thasildhar, Madurantakam to produce the petition mentioned documents and to give evidence.

2.The averments stated in the petition in brief:

The Petitioner/Plaintiff had filed the above suit for declaration and the case is posted for Petitioner/Plaintiff side evidence. The petition mentioned documents are vital

to prove the Petitioner/Plaintiff's case. The petition mentioned documents are in the custody of Thasildhar, Maduranthakam. The petition mentioned 1st Document is the RPT file to transfer patta to the Petitioner/Plaintiff's vendors name. The petition mentioned documents 2 to 4 are the chitta and Adangal for the suit property to prove his case. Hence this petition.

3. The averments stated in the Counter filed by the Respondent/Defendant in brief:

This petition is not maintainable under law and on facts. The revenue records stands in the name of Gnanakannu and the name of the father of the said Gnanakannu, namely Mathew is not mentioned in the revenue records. Taking undue advantage of the same, the vendor of the petitioner namely Annamuthu, Ravichandran and Selvakumar had manipulated the revenue records and had jointly created a fabricated document in the name and style of Sale deed dated 08.06.2009, in favour of the Plaintiff. Therefore the said document is not valid. The father of the late. Samidoss is Gnanakannu @ Gnanamuthu and the father of Gnanakannu @ Gnanamuthu is Munusamy @ Chellamuthu and they had not resided in the suit village at any time. The Petitioner/Plaintiff had filed many documents related to the suit property which stands in the name of Respondent/Defendant's vendor namely Gnanakannu, S/o Mathew and not for Gnanakannu @ Gnanamuthu. Therefore the vendors of the Petitioner/Plaintiff had created a fabricated patta and based on the fabricated patta, they had fabricated Sale deed in favour of the Petitioner/Plaintiff. Hence the Petitioner/Plaintiff has no

locus standi to file this petition. The Petitioner/Plaintiff had not produced any document to show that the suit property was owned by Gnanakannu @ Gnanamuthu. The Respondent/Defendant's vendor name is Gnanakannu, S/o. Mathew and not Gnanakannu @ Gnanamuthu, S/o Munusamy @ Chellamuthu. Therefore the Petitioner/Plaintiff had filed this petition to drag on the proceeding and to collect evidence. Hence this petition is liable to be dismissed with costs.

4. The point for determination is whether this petition is to be allowed or not?

5. No Exhibits marked and no witnesses were examined on both sides

6. Heard both sides and perused the records.

7. The Petitioner/Plaintiff had filed this petition to summon the Thasildhar, Madurantakam to produce the petition mentioned documents. The Respondent/Defendant had resisted the petition stating that, the revenue records are in the name of his vendor. Perusal of records reveals that, the Petitioner/Plaintiff had filed the above suit to declare the Sale Deed dated 17.03.2010 in favour of the Defendant as null and void and for permanent injunction. At the time of filing of the suit the Petitioner/Plaintiff had filed certain documents in the name of Petitioner/Plaintiff's vendor.

8. The Respondent/Defendant had alleged that, since the father's name of the Petitioner/Plaintiff's vendor is not mentioned in the revenue records, taking advantage of the same the vendor of the Petitioner/Plaintiff had manipulated patta in their favour and created

fabricated Sale Deed in favour of the Petitioner/Plaintiff. The Respondent/ Defendant had filed the counter claim to declare the Sale Deed dated 08.06.2009 in favour of the Petitioner/Plaintiff, as null and void.

9. The petition mentioned documents are with regard to the possession of the suit property prior to the Sale Deed in favour of the Petitioner/Plaintiff. The Petitioner/Plaintiff has filed the above suit in the year 2012 and had filed as many as 22 documents along with the Plaint. The Petitioner/Plaintiff had to prove his vendor's title and his possession in the suit property through his own evidence and he cannot collect evidence through the court. The affidavit filed in support of the petition does not contain any specific reasons to call for the documents from the Thasildhar, Madurantakam. Hence for the foregoing reasons, this court is not inclined to allow this petition.

10. In the result, this petition is dismissed. No costs.

Dictated to the Stenographer and transcribed by her and corrected and pronounced by me in open court on this the 3rd day of June, 2023

District Munsif
Madurantakam

Petitioner side witnesses and documents:

Nil

Respondent side witnesses and documents:

Nil

District Munsif
Madurantakam