

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

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

Tuesday, the 9th day of January, 2024

I.A.No.12/2023

in

O.S.No. 196/2012

1. Nehru Thairiyam
2. Kasthuri Nelsan
3. Rechal Joyal

...Petitioners/Plaintiffs

-vs-

1. Praveen Kumar
2. Ramnath
3. The Sub-Registrar Office,
Madurantakam
4. Sasirekha
5. V. Vasudevan

...Respondents/Defendants

This petition coming up before me on 19.12.2023 for final hearing in the presence of, Thiru V. Agoram, counsel for the Petitioners/Plaintiffs and Thiru. M. Tamilmaran, counsel for Respondents 1,2 and 4 /Defendants 1,2 and 4 and Respondents 3 and 5/Defendants 3 and 5 having been set exparte in the main suit and after hearing the arguments on 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 Petitioners/Plaintiffs under Order XVI Rule 1 and 5 of the Code of Civil Procedure, to issue witness summons to Thasildhar, Madurantakam to produce the 10(i) Chitta for 1380 fasili (Prior to UDR) for S.No.4/1A, 39/1 and 40/2 of Puducherry village, Madurantakam Taluk for patta No.19 and the computer patta No.235 and 335 and to mark the same through him and to give evidence about the documents.

2.The averments stated in the petition in brief

The Petitioners/Plaintiffs had filed the above suit for declaration and for consequential permanent injunction. The document 10(i) Chitta for 1380 fasili (prior to UDR) maintained by Tahsildhar, Madurantakam for S.No.4/1A, 39 and 40/2 of Puducherry Village, Madurantakam Taluk for patta No.19 and the computer patta No.235 and 335 are all necessary to prove the case of the Petitioners/Plaintiffs. The documents are in the custody of Tahsildhar, Madurantakam. Hence the petition.

3. The averments stated in the counter filed by the 2nd Respondent/2nd Defendant and adopted by the Respondents 1 and 4/Defendants 1 and 4 in, brief:

This petition is not maintainable in law and on facts. The allegations and

averments contained in the affidavit, filed in support of this petition, are false. The 10(1) Chitta document is not sufficient document to prove the revenue record. The patta alone is the sufficient document. The Petitioners/Plaintiffs wants to bring the record prior to the UDR and the same is not maintainable. The alleged computer patta No. 235 and 335 are available in the online itself. The Petitioners/Plaintiffs had filed this petition unnecessarily. Hence this petition is liable to be dismissed with cost.

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 Petitioners/Plaintiffs had filed this petition on the ground that the documents are in the custody of Tahsildhar, Maduranthakam. The Respondents 1,2 and 4/Defendants 1,2 and 4 had resisted the petition stating that the records after UDR are in the custody of collector.

8. Perusal of records show that the Petitioners/Plaintiffs had filed the above suit based on the sale deed in favour of their parents of the year 1994. The Petitioners/Plaintiffs had stated in the plaint that the vendors of their parents had purchased the suit property in the year 1923 and 1962. The documents sought for in this petition is of the year 1970. The Respondents/Defendants in their written

statement, had disputed the Petitioners/Plaintiffs' title over the suit properties. The Respondents/Defendants had not stated any facts with regard to the prejudice being caused to them in allowing this petition. Hence, in order to give fair opportunity to the Petitioners/Plaintiffs, this court is inclined to allow this petition.

9. In the result, this petition is allowed. No costs.

Dictated to the Stenographer and transcribed by him and corrected and pronounced by me in open court on this the 9th day of January, 2024

District Munsif
Madurantakam

Petitioners side witnesses and documents:

Nil

Respondents side witnesses and documents:

Nil

District Munsif
Madurantakam