

**IN THE COURT OF DISTRICT MUNSIF AT MADURANTAKAM**

**PRESENT:** Tmt.R.Mahalakshmi., B.A., B.L.,  
District Munsif, Madurantakam  
**Tuesday, the 14<sup>th</sup> day of October, 2025**

**I.A.No.15/2025**

**in**

**O.S.No.232/2012**

1. V.Chinnakka (died)
2. Parameswaran (died)
3. Dhanalakshmi

...Petitioner/ 9<sup>th</sup> Defendant

**-Vs-**

1. Mayavan
2. Raman
3. Vijaya
4. Palani
5. Palaniammal
6. Lakshmi
7. Raja

...Respondent/Plaintiff

...Respondents/Defendants 1 to 6

This petition coming up for final hearing before me on 10.09.2025 in the presence of Tr.V.Agoram, counsel for the Petitioner/9<sup>th</sup> defendant and Tr.S.Subramanian, Counsel for 1<sup>st</sup> respondent and Respondents 2 to 7 called absent and set exparte in main suit and upon perusal of records and having stood over for consideration till this day, this court delivered the following,

**ORDER**

This petition is filed by the Petitioner/9<sup>th</sup> Defendant under Order XVI Rule 1 and 5 of Code of Civil Procedure, to summon to the Revenue Divisional Officer, Madurantakam to produce the entire file of the order passed by RDO, Madurantakam dated 03.04.2025 and give evidence.

**2. Brief of petition facts as follows:-**

**(i).** The Petitioner herein is the 9<sup>th</sup> defendant in the suit. The Petitioner states that

the case was posted for arguments. The petitioner further states that already Ex B16 is legal heir certificate of Ramadoss issued by the Tahsildar, Madurantakam was marked on their side. The petitioner further states that challenging the said certificate the respondent/plaintiff preferred appeal before RDO, Madurantakam. The RDO without issuing notice to petitioner and without conducting enquiry has passed an order to cancel the legal heir certificate of Ramadoss issued by the Tahsildar, Madurantakam in the proceedings dated 03.04.2025.

(ii). Further the petitioner states that the said order passed by the RDO, Madurantakam was marked on the side of 1<sup>st</sup> respondent/plaintiff as Ex A10. The petitioner further states that the suit is filed by the respondent/plaintiff for declaration of title with respect to the suit property. The plaintiff claiming title as the legal heirs of Ramadoss. The petitioner states that the respondent/plaintiff are not the legal heirs of Ramadoss and hence they have no right over the suit property. Further the respondent/plaintiff has not produced any document to show that he is the legal heir of late Ramadoss. Therefore the evidence of RDO, Madurantakam is necessary with regard to Ex B16 and Ex A10. Hence the present petition is filed to produce the order passed by RDO, Madurantakam dated 03.04.2025 and give evidence about the said document. If this petition is not allowed the petitioner will be put to heavy loss and hardship. On the other hand no prejudice will be caused to the Respondent. Hence this petition.

**3. The averments stated in the counter filed by the 1<sup>st</sup> Respondent, in brief:**

(i). The respondent states that this petition is not maintainable in law and on facts. The Respondent denies the entire allegations in the affidavit petition as false except those that are specifically admitted herein.

(ii). The Respondent states that there is no necessity to examine the RDO, Madurantakam. The respondent further states that RDO, Madurantakam also given an opportunity to the petitioner for filing appeal. There is no merits in this petition. 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. On the side of Petitioner, no exhibits were marked and on the side of Respondent, Exhibits R1 to R4 were marked and no witnesses were examined on both sides.
6. Heard both sides and perused the records.
7. On Perusal of records, it is seen that the suit is filed by the respondents/ plaintiffs for the relief of declaration and permanent injunction against the defendants. It is seen that the plaintiff is contesting the suit only against 7 to 9 defendants/petitioners herein.
8. The petitioner has stated that to prove their case they have already filed Ex B16 legal heir certificate of Ramadoss issued by the Tahsildar, Madurantakam. Thereafter the respondent/plaintiff challenged the said order passed by Tahsildar, Madurantakam before Revenue Divisional Officer, Madurantakam. Subsequently the RDO, Madurantakam cancelled the legal heir certificate issued to the petitioner vide order dated 03.04.2025 without issuing notice to the petitioner herein and also without conducting enquiry. Further the respondent/plaintiff marked the said cancellation order passed by RDO, Madurantakam as Ex A10. Therefore to prove the case of the petitioner/defendant it is necessary to examine the RDO, Madurantakam and produce the entire file of the order passed by the RDO, Madurantakam dated 03.04.2025.
9. The respondent contended that the RDO, Madurantakam gave opportunity to the petitioner to appear for the enquiry and further the order passed by the Revenue Officer is appealable orders. Hence this petition is not necessary to examine the RDO, Madurantakam.
10. Further it reveals that already on the side of petitioner/ defendant legal heir certificate was marked as Ex B16 and further plaintiff/respondent has marked the subsequent cancellation order of legal heir certificate passed by the Revenue Divisional Officer, Madurantakam as Ex A10. Further the only contention of the petitioner is that no proper notice is given to the petitioner for enquiry, but the said

contention is unsustainable as the respondent has marked Ex R1 to Ex R4, enquiry summon issued by RDO, Madurantakam to both petitioner and respondent to appear for enquiry. In spite of the said summon, the petitioner failed to appear for enquiry.

**11.** Therefore this court considers that summoning the RDO, Madurantakam to give evidence with respect to the order passed by him is unnecessary and it only cause further delay in the case proceedings. The suit is in stage of arguments and the suit is pending from the year 2012. Thus this court hold that this petition is unwarranted and liable to be dismissed.

**12. In the result, this petition is dismissed. No costs.**

Dictated to the Stenographer, typed by her and corrected and pronounced by me in open court on this the 14<sup>th</sup> day of October, 2025.

Sd/-R.Mahalakshmi

District Munsif  
Madurantakam

**Petitioner side witnesses & documents:**

**Nil**

**Respondent side witnesses:**

**Nil**

**Respondent side documents:**

- Ex R1 - Notice sent by RDO, Madurantakam dated 27.05.2024
- Ex R2 - Notice sent by RDO, Madurantakam dated 15.07.2024
- Ex R3 - Notice sent by RDO, Madurantakam dated 13.09.2024
- Ex R4 - Notice sent by RDO, Madurantakam dated 22.10.2024

Sd/-R.Mahalakshmi  
District Munsif  
Madurantakam