

**IN THE COURT OF ADDITIONAL DISTRICT JUDGE, KRISHNAGIRI**

**Present: Thiru.V. Damodaran, B.L.M.,M.L.,  
Additional District Judge, Krishnagiri**

**Thursday the 18th day of September 2025**

**I.A.No.05/2024 in I.A.No.04/2023 in OS.No.194/2022  
CNR.No.TNKI01-005328-2024**

S. Mohammed Sadiq .... Petitioner / 1<sup>st</sup> Defendant

/Versus/

1. K. Ravi

2. R. Vinodhkumar

.... Respondents/ Plaintiffs

3. K. Mubarak Basha

...Respondent/ 2<sup>nd</sup> defendant

This petition was coming up before me finally on 31.07.2025 in the presence of Tr.Mohankumar, Advocate appearing for the Petitioner/ 1<sup>st</sup> defendant and Tr.A. Elango, Advocate appearing for the Respondents 1& 2 / Plaintiffs and Tr.Abdul Rahman, Advocate appearing for the 3<sup>rd</sup> Respondent/ 2<sup>nd</sup> defendant and upon hearing the arguments of Petitioner side and respondent side and on perusal of available records, and having stood over for consideration till date, this Court deliver the following:-

**ORDER**

The petition filed under Rule 75 of Civil Rules of Practice, to call for the records from the Sub-Registrar's Office, Hosur and also from office of the Sub-Registrar, Krishnagiri.

**2) The affidavit in support of the petition is as follows:**

The petitioner is the 1<sup>st</sup> defendant in the suit. Respondents 1 & 2 filed the suit for the relief of specific performance and also for declaration and for permanent injunction as against the petitioner and the 3rd respondent herein. It is submitted that the petitioner has filed IA.No.4/2023 before Hon'ble Court under Section 45 of Indian Evidence Act, the same was allowed by the court. The petitioner further submits that one admitted document signature which is in custody of the petitioner herein. Another document in Doc.No. 2211/2018 registered General Power of Attorney has not been produced by Power of Attorney holder namely 2<sup>nd</sup> defendant herein. Hence the petitioner herein also produced some more document for the year 2010 and 2012 but the Hon'ble court has directed the petitioner produce document for the corresponding year 2018. In the year 2020, the petitioner has sold his property to the third party, since the property was sold out, the said original would be available with the property owner. At the time of execution of said Sale Deed, Sub-Registrar Office, Hosur, the petitioner has put up signature in the office Sub-Registrar, Hosur which is available with the said office. It is submitted that for the purpose of sending the disputed signature to the Expert opinion, it is necessary for getting the admitted documents from the Sub-Registrar's Office and sending the same to compare the disputed signature. Hence it is become necessary for the petitioner to file the above said application to send for the document from the Sub-Registrar. Unless the documents are send for, the disputed signature, the same cannot be compared with the admitted documents by the expert, so as to give opinion, hence come out with the

present application. Hence prayed for call for the document from Sub-Registrar Office, Hosur as well as Joint Sub-Registrar, Krishnagiri.

**3) The contention in the counter filed by the respondent is as follows:**

The respondent filed counter stating that the prayer to direct the Sub-Registrar, Hosur to send for the document, narrated in the petition for the Forensic Department for authenticating the signature of the petitioner is not maintainable and the same is liable to be dismissed. The respondent further submitted that Hon'ble Court has clearly specified the document, to be sent to the expert opinion and the General Power of Attorney executed from 22.11.2018 was not produced by the 3<sup>rd</sup> respondent. For past one year has elapsed the petitioner has not taken any effort, to send the said document along with admitted signature, but belatedly filing this application. It is further submitted that the deed of compromise between the petitioner and this respondent executed on 25.09.2020, in which the petitioner admitted without any coercion that he has legally cancelled. Further the petitioner had also agreed the receipt of Rs.1,10,00,000/- from this third respondent towards advance for sale of the impugned property and further agreed to receive the balance sale consideration amount of Rs.2,00,00,000/- after completing the registration process of the impugned property favouring this respondent within four months from the date of Compromise Deed. It is most necessary to submit that the petitioner is neither candid nor honest, the reason is evasive. In contrary to the above submission made by the petitioner in the compromise deed, has now approached the Hon'ble court with unclean hands to deceive this third respondent by way of filing this false and frivolous application.

Hence prayed for dismissal of the application.

**4) Point for consideration:**

Whether the petition filed by the petitioners under Rule 75 of Civil Rules of Practice has to be allowed or not?

**Point:**

5) Heard both sides.

6) The petition has annexed two documents to be called for. One is signature / thumb impression book obtained for registered Sale Deed dated 28.08.2020 executed by S. Mohan Sadhiq in favour of Vani under Doc.No.9771/2020 maintained the Hosur Sub-Registrar Office. (ii) Signature/ thumb impression book obtained for the registered General Power of Attorney Deed, dated 22.11.2018, under Doc.No.4264/2018 executed by Mohammed Sadhiq in favour of Mubarak Basha maintained in the office of Krishnagiri Sub-Registrar Office No.II, Krishnagiri. It is pertinent to note that petitioner has sought for the above said Registers so as to establish that the admitted signature along with the disputed signature has to sent by expert opinion, so as to get the opinion of the said expert.

With respect of the 1<sup>st</sup> document, the petitioner has stated in his affidavit when the document was executed by the petitioner in favour of one Vani. But with respect of the 2<sup>nd</sup> document sought by the petitioner no pleadings was made in the affidavit and what is the document, not stated in the affidavit. It is important to note that IA.No.4/2023 was allowed by this court to send the disputed signature along with the

admitted signature and the same was allowed by this court. When a document was produced by the petitioner for the period from 2010 to 2012, this court has asked the petitioner herein to file contemplary document so that the admitted signature and disputed signature can be sent to the expert. The petitioner did not take any diligence steps immediately after the order passed in IA.No.4/2023 but waited all along the time and come out with the petitioner to call for the said register from the Hosur Sub-Registrar office and from the office of Joint Sub-Registrar No.II, Krishnagiri. If the document sought to be called for was ought to be produced before the court then for any reference for the Sub-Registrar Office, the said document will be required, if the said document was taken from the custody of Sub-Registrar Office and was sent to the court, then the office will be handicapped in case, if any information sought in this regard by any person. So in such circumstances asking the public authority to produce a public document in which not only the petitioner signature but number of persons who has put up thumb impression and signature would be available. In the said circumstances, if the said document was ordered to be produced before the court, then it will paralyze the functioning of the said Office and the said eventuality this court want to avoid, if at all, the petitioner is very much interested he has produce the contemplated document pertaining to the year 2018, so as to establish his case and this court sees no merit in this application to be allowed and belatedly with an intention to drag the matter, the present application is filed and this court sees no merit in this application, accordingly this petition is dismissed.

In the result, this petition is dismissed. No cost.

Dictated to the Stenographer, directly typed by her, corrected and pronounced by me in the open court today this the 18th day of September 2025.

**Annexure:** Nil