

**IN THE COURT OF THE PRINCIPAL DISTRICT MUNSIFF,  
NAGERCOIL.**

Present: **Tmt. K. Chithra, B.A., B.L., (Hons)**

Principal District Munsif, Nagercoil.

Monday, on this the 16<sup>th</sup> day of March, 2026

**E.A.No.9 of 2026**

**in**

**E.P. No. 78 of 2012**

John Milton

....Petitioner/Addl.4<sup>th</sup> Respondent

-vs-

Raskin

... Respondent /Addl.4<sup>th</sup> Petitioner

This Execution Application is came up before this court on 12.03.2026 for final hearing in the presence of Mr.R.Pravin, Advocate for the Petitioner and Mr.G.Sivakumar, Advocate for the Respondent, and upon perusing the case records and having stood over till date for Consideration, this Court deliveres the following:

**ORDER**

This petition was filed under Order 11 Rule 14 CPC and Sec.151 of CPC, to direct the respondent to personally appear before this court and to produce the petition mentioned documents.

**2. PETITION FACTS:**

**2.1)** The respondent/additional 4<sup>th</sup> petitioner has been residing abroad. On 24.09.2025, he urgently moved an application dated 23.09.2025 in E.A. No.2/2025 before this court seeking urgent hearing of petitions for the

appointment of commission and for seeking interim injunction. EA.No.2/2025 was allowed and other two petitions were taken on file as E.A.No.5/2025 and 6/2025, Before that, an application dated 21.08.2025, was filed along with VAKalath on 17.09.2025 and it was returned. The said application in E.A. No.4/2025 to implead party, was allowed on the same day of numbering ie.24.09.2025.

**2.2)** To those 2 petitions, the petitioner had filed detailed counter by vehemently contending that the respondent was residing abroad during the relevant period. The petitioner had produced material documents showing the demolition and destruction of the alleged schedule property by one Mr.Benger, who is the brother-in-law of the respondent. The said applications have been pursued at the instance of Mr.Benger, as the said petitioner was not available in India on the dates relating to the filing and presentation of the said application and his signatures were forged and filed or even may be filed without the knowledge of the respondent. The respondent in haste, not pressed the said 2 applications on 19.02.2026 and it confirms the petitioner's apprehension.

**2.3)** Thus this petition was filed to direct the respondent to personally appear before the court on a date to be fixed and to produce the original passport or authenticated copies of the relevant pages containing arrival and departure entries for the period between 01.09.2025 and 23.09.2025 to ascertain the true factual position regarding his personal involvement in instituting and pursuing the said applications and the prosecution of E.P. No.78/2012.

**3.COUNTER ALLEGATIONS:**

All the averments in the petition affidavit are denied specifically except those that are specifically admitted herein. This petition is neither maintainable in law nor on facts and liable to be dismissed in limine. The respondent is not permanently residing in abroad. He is working abroad and visits India as and when required. The E.A. No.6/2025 and 6/2025 were filed and then not-pressed by the respondent with his full knowledge, instructions and consent. In order to avoid any further delay in obtaining the delivery of the decreed property, the respondent chose to not press the said applications. The allegations levelled against this respondent and his counsel are purely baseless, imaginary, malicious and defamatory. This petition was filed to drag on the main execution proceedings without any just or reasonable cause. The petitioner wantonly misrepresented before this court regarding the stay by the Hon'ble High court for period of 7 years and kept the proceedings in abeyance without the stay order. Thus, he prayed to dismiss this application with cost.

**4. POINT TO DETERMINE:**

Whether this petition is to be allowed or not?

Heard both side enquiry. Record perused.

**5. REASON FOR DETERMINATION:**

5.1) The petitioner seeks the personal appearance of the respondent and the production of his passport to verify the respondent's presence in India during the filing of E.A. Nos. 5/2025 and 6/2025.

**5.2) Firstly,** the petitioner's allegations of 'forgery' and 'fraud' are largely speculative. Mere variation of date or difference of Enrolment number of attesting Advocate or signing all petitions by the same attesting Advocate does not amount to suspect the genuineness of a petition. The petitioner has failed to specify the duration of the respondent's stay abroad or provide any concrete material to suggest that the respondent's signatures were forged. It is a settled principle that mere suspicion, however strong, cannot take the place of proof.

**5.3) Secondly,** regarding the production of the passport under **Order 11 Rule 14 CPC**: The power of the court to direct the production of documents is discretionary and must be exercised only when such documents are necessary for a fair adjudication. Since the respondent has already 'not pressed' the earlier applications (EA Nos. 5 & 6/2025), the question of whether he was physically present to sign them has become **infructuous**. No prejudice is caused to the petitioner by the withdrawal of those applications.

**5.4) Thirdly,** an Execution Petition (EP) of 2012 is already 14 years old. Compelling the personal appearance of a respondent residing abroad for a collateral inquiry into a withdrawn application would only serve to further delay the realization of the fruits of the decree.

**5.5)** Beyond these, the petitioner as well as respondent stated allegations, which are irrelevant to the reliefs sought for in this petition. This Court finds that the present petition is a vexatious attempt to stall the execution

proceedings. The petitioner has failed to establish any legal necessity for the production of the respondent's personal travel documents.

6. In fine, this petition is dismissed as vexatious with costs.

Dictated to the Steno-Typist, and typed by her directly in the Computer, corrected and pronounced by me, in open court this, the 16<sup>th</sup> day of March, 2026.

(Sd/- K.Chithra)

Principal District Munsif  
Nagercoil

Petitioner side witnesses and documents : Nil.

Respondent side witnesses and documents : Nil

(Sd/- K.Chithra)

Principal District Munsif  
Nagercoil.

PDM Court, Nagercoil.  
E.A.9 of 2026 in  
E.P. No.78 of 2012 in  
Draft/Fair Order  
Date: 16.03.2026.