

**IN THE COURT OF THE II ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.**

Present : Selvi. V. Sivaranjani, B.A., L.L.B.,

II Additional District Munsif, Nagercoil.

Tuesday, on the 24th day of March, 2026

I.A. Nos. 5 of 2026 & 6 of 2026

in

O.S. No. 56 of 2023

CNR No.TNKK04-000103-2023

Indira

... Petitioner/Defendant

-vs-

Gopala Krishnan

... Respondent / Plaintiff

These petitions came before me on 17.02.2026 for a final hearing in the presence of Thiru. M. Parameshwaran, Advocate for the Petitioner/Defendant and Thiru. C. Victor Sam, Advocate for the Respondent /Plaintiff and upon hearing both sides and upon perusing the case records and having stood over for consideration, till this day, this Court delivers the following:

COMMON ORDER

Prayer in I.A.No.5 of 2026:

The petitioner has filed the above petition under Section 151 of the Code of Civil Procedure and under Rule 75 of Civil Rules of Practice, seeking to pass an order to summons the Special Officer, Nalloor Village Panchayat, Nalloor Post, Agasteeswaram Taluk, Kanyakumari District and direct to adduce evidence

and produce the below petition mentioned documents' certified copies connected with the House Building Door No.5/8 for proper adjudication.

Prayer in I.A.No.6 of 2026:

The petitioner has filed the above petition under Section 151 of the Code of Civil Procedure and under Rule 74 of Civil Rules of Practice, seeking to pass an order to summons the Junior Engineer (Distribution) TANGEDCO Suchindrum Kanyakumari District and direct to adduce evidence and produce the below petition mentioned documents' certified copies connected with the E.B. Service connection number 141/015-518 of Suchindrum Distribution area for proper adjudication.

2) Gist of Averments in the Petitioner's Petitions:

The petitioner is the defendant in the suit filed for the relief of injunction. The case is now posted for defendant's side further evidence. The petitioner states that he had received some documents from the previous possessor of the property in Re.Sy.No.100/17. The said possessor had handed over several house tax receipts and Electricity Bill receipts at the time of purchase connected with petitioner property and the house building. The petitioner has already produced the Rekai documents connected with this case. However, the petitioner had misplaced all the earlier Electricity Bill receipts and the house tax receipts connected with the suit property. It is further stated that the plaintiff had obtained ex parte decree and subsequently changed the electricity service

connection in his favour, which was admitted during the cross examination of himself as PW1. The petitioner's/defendant's further submits that house building bearing Door No.5/8 of Nalloor Village Panchayat has an Electricity service connection bearing No. 141/015-518 under the Suchindrum Distribution area. The said house building preliminary application, house tax receipts and other particulars documents are available with the Special Officer, Nalloor Village Panchayat, Nalloor Post, Agasteeswaram Taluk, Kanyakumari District and Electricity Bill connection preliminary application and other particulars documents are available with the Junior Engineer (Distribution) "TANGEDCO", Suchindrum Electricity Distribution area, Suchindrum Post and Village, Agasteeswaram Taluk, Kanyakumari District. Hence, these petitions seeking to summon the said public officers to produce the certified copy of the above documents is to be allowed.

3) Gist of Averments in the Respondent's Counters:

The respondent contends that the suit is for injunction to restrain the petitioner / defendant from disturbing the suit property comprised in Re.Sy.No.100/16 of Marungoor Village, Admittedly the petitioner / defendant was examined as DW1 and was cross examined by the respondent / plaintiff on 05.11.2025.

4. In the cross examination DW1 deposed "எங்களுக்கு வழக்கு பட்டிகை சொத்தில் உரிமை கிடையாது என்றால் சரிதான்" further deposed that

"ரீசர்வே எண் 100/17-ல் எங்களுடைய செந்தில் வினாயகர் திருக்கோவில் டிரஸ்டு சொத்து என்று உரிமை கோருகிறோம்", Again deposed "டிரஸ்டு எங்களுக்கு கிரயம் கொடுக்கவில்லை என்றால் சரிதான். Under the said circumstances the petitioner/defendant who has got no right or over Re.Sy.No.100/17 has to prove the maintainability of this petition.

5. The respondents further contention is that the petitioner / defendant is attempting to create a new case and the documents sought to be summoned, relate to Re.Sy.No.100/17 and irrelevant to the suit property in Re.Sy.No.100/16. Under the said circumstances the petition to summon the Special Officer is only to prolong the suit. It is submitted that the petitioner / defendant is attempting to collect evidence which is not permissible in law. The witness is not a necessary or material witness to decide the case. The petitioner / defendant did not specifically state the documents which are necessary for the disposal of the case. No clear details are furnished in the petition. Hence, these petitions may be dismissed.

6) The point for consideration is whether the above petitions have to be allowed or not?

7) **Heard Both sides. Record perused.**

Upon consideration of the pleading and submissions, this court would like to proceed with the petition in the light of Rule 75 of the Civil Rules of Practice. Generally, the application made under Rule 75 of Civil Rules of Practice, for

such summoning of documents shall be considered by taking into the relevancy of the documents set out in the application and whether any attempt has been made to obtain certified copy. It is relevant to extract Rule 75(2) and 75(3) of Civil Rules of practice, which are extracted here under,

"75. Production of records in the custody of a Public Officer other than a Court:-

(2) Every application for such summons shall be made by a verified petition setting out (i) the document or documents the production of which is required; (ii) the relevancy of the document or documents; and (iii) in case where the production of a certified copy would answer the purpose, whether application was made to the proper officer for a certified copy or copies and the result of such application. No court shall issue such a summons unless it considers the production of the original necessary or is satisfied that the application for a certified copy has been duly made and has not been granted. The court shall in every case record its reasons in writing and shall require the applicant to deposit in court, before the summons is issued, to abide the order of the Court, such sum as it may consider necessary, to meet the estimated cost of making a copy of the document when produced."

8. In addition to that, this Court would like to bear in mind while determining this petition, the judgement of **Hon'ble Supreme Court in M.P. Padmavathi Vs S.Sundaram and Others, reported in (2021) 3 LW 490**

wherein it was held as follows:

"However, it is stated in unison by both the learned counsels that the learned Judge had not stated or had not given any finding whether the documents sought to be produced are actually relevant to determine the issues in the suit. The nature of the order required to be passed in an application under Rule 75 of the Civil Rules of Practice. The learned Judge should examine first whether the documents had been properly described. Then he should examine whether the documents are relevant to the issues in the suit and later he should also examine whether certified copies of the documents had been applied and whether the Court should order summoning the documents from the Public Officer.

9. Applying the above rules and precedent to this case, this court proceeds with determining this petition. The case of the petitioner is that the petitioner is the defendant in the suit filed against petitioner for seeking the relief of injunction. Now the case is posted for the defendant's side for further evidence. The petitioner stated that he had received some documents from the previous possessor of the property in Re.Sy.No.100/17. The previous possessor of the property had given a vast number of house tax receipts and Electricity Bill receipts connected with petitioner property and the house building during the purchase of the property and the petitioner had misplaced all. The respondent /

plaintiff had obtained ex parte decree in this suit and changed the name in his favour connected with the Electricity Bill receipts through the ex parte decree, which was accepted by the plaintiff at the time of cross examination of himself as PW1. The petitioner's/defendant's house building bearing Door No.5/8 of Nalloor Village Panchayat is having Electricity Bill connection bearing No.141/015-518 of Suchindrum Distribution area. The said house building's preliminary application, house tax receipts and other particulars documents are available with the Special Officer, Nalloor Village Panchayat, Nalloor Post, Agasteeswaram Taluk, Kanyakumari District and Electricity Bill connection's preliminary application and other particulars documents are available with the Junior Engineer (Distribution) "TANGEDCO", Suchindrum Electricity Distribution area, Suchindrum Post and Village, Agasteeswaram Taluk, Kanyakumari District.

10. In this backdrop, the petitioner sought to produce the certified copies of the house building preliminary application, house tax receipts and other particular documents from the Special Officer and the EB connection preliminary Application and other particular documents from Junior Engineer (Distribution) "TANGEDCO" by summoning them . Unfortunately, nowhere in the petition has mentioned how the required documents are relevant. On perusal of PW1, it could be seen that the PW1 never admitted that he had obtained ex parte decree in this suit and changed the name in his favour connected with

the Electricity Bill receipts through the ex parte decree. Moreover, without giving specific details of the documents and vaguely mentioned “other particular documents” is likely to attempt to fill lacuna in evidence, which is not permitted in law.

11. In addition to that, the suit is one for permanent injunction. Admittedly, the plaint schedule property is in Re survey No.100/16 and there is no claim for the plaintiff with respect to the defendant’s property which is in Re-survey No.100/17. As such, this court is of the view that the above sought documents are in no way relevant to determine the issues in the suit. Thus, the petitioner neither mentioned the documents specifically nor give necessary reasons with respect to the relevancy of the documents and also furnish no details regarding whether any application was made for applying for certified copies.

12. Coming to the compliance of Rule 75 of Civil Rules of Practice, the condition precedents for seeking the production of records in custody of public officers are two fold: Firstly, the Application should be filed before appropriate authority setting out the details mentioned in Rule 75 [2] of Civil Rules of Practice and secondly, the application for a certified copy has been duly made and has not been granted by the appropriate authority. However, There is an exception to the above Rule under Rule 75[6] where the court can suo moto

order for the production of public records. This court finds that there are no exceptional causes made by the petitioners to invoke the exceptional clause laid under 75 [6] of Civil Rules of Practice.

13. There is no evidence or documents filed by the petitioners showing that the application for need of certified copies of the above assumed documents had been duly filed as per the requirements mandated under the Rule 75 [2] of Civil Rules of Practice before the appropriate authority. Simply stating that the defendant has wantonly avoided to produce doesn't satisfy the requirements laid under the Rule 75[2] of Civil Rules of Practice. The petitioner cannot straight away file an application under Rule 75 of the Civil Rules of Practice without applying for certified copies as when the rule suggests certain things to be done in a certain manner, it should be done only in that particular manner without any deviation.

14. Hence on the above said grounds, This petition shall be liable to be dismissed with liberty to file the petition again with the details regarding the specific documents, relevancy of documents, if once an application has been duly filed as per Rule 75[2] of Civil Rules of Practice before appropriate authority and ended up in vain.

As the result,

I.A. No.5 of 2026:

This petition is dismissed. No cost.

I.A. No. 6 of 2026:

This petition is dismissed. No cost.

The Order directly dictated to steno-typist typed in computer, and after making necessary corrections, and pronounced by me in the open court, this the 24th day of March 2026.

II Additional District Munsif
Nagercoil.

Petitioner side witness & Documents : Nil

Respondent side witness & Documents : Nil

II Additional District Munsif
Nagercoil.

I.A. Nos.5, 6 of 2026
in
O.S. No.56 of 2023
Fair Order
Date: 24.03.2026.
II ADM Court, Nagercoil.