

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

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

II Additional District Munsif, Nagercoil
Monday, on the 6th day of April, 2026.

I.A. No.12 of 2026 in O.S.No 136 of 2020

CNR No.TNKK04-000201-2020

Balakrishnan

... Petitioner / Defendant

-vs-

1. Kamalam (died)
2. Jeya
3. Surendran
4. Chithra

2 to 4 Plaintiffs rep. by its power of Attorney Holder Selvaraj

(Addl 2nd to 4th Plaintiffs impleaded

as legal heirs of deceased 1st respondent / Plaintiff

as per order in I.A.No.8 of 2024

dated 05.03.2025 and Plaint amended as per

order in I.A.No.10 of 2024 dated

04.06.2025)

... Respondents / Plaintiffs

This Petition came up before this Court on 11.03.2026 for a final hearing in the presence of Mr. K. Pon Muthupandian, learned Counsel for the Petitioner / Defendant and Mr. A. Vimalan, learned Counsel for the 2nd and 4th Respondents/ Plaintiffs and 1st respondent is died and upon hearing both sides, perusing the case records, and having stood over for consideration till this day, this court hereby delivers the following:


ORDER

The Petitioner has filed under Order XVI Rule 1(3) and Section 151 of the Code of Civil Procedure, seeking to pass an order to grant permission to examine the below mentioned witness on the petitioner's side.

2. Gist of Averments in the Petitioner's Petition :

The petitioner is the defendant in the suit filed seeking Permanent injunction, restraining the defendant or men's or his agents from interfering plaintiffs peaceful possession and enjoyment of the plaint schedule property. While the suit was posted for defendant side evidence, the petitioner/defendant has come up with this petition seeking permission to summon the witnesses such as any officers working under the Village Administrative Officer, Rajakamangalam Village, Agastheeswaram Taluk, Kanyakumari District and Tahsildar, Agasteeswaram Taluk, Kanyakumari District to appear along with documents and adduce evidence.

3. The reason stated by the petitioner/defendant to summon the witnesses and adduce evidence is that in order to prove the authentication of the documents listed in the petition.

4. The documents listed in the petition are B-memo dated 27.12.2000, 15.09.2015 and 08.11.2003 and verified documents while granting an order or proceeding  1-23673/2007. Hence, the petition is to be allowed.

5. **Gist of Averments in the Respondents / Plaintiffs Counter:**

The respondents contention is that Mr. Kandha Swamy, Tahsildar, Agasteeswaram Taluk was already examined as PW2 on 20.09.2025 and through him official documents such as free house Patta issued in the name of plaintiff marked as Ext.A6, free house Patta issued in the name of Azhagammai marked as Ext.A7 without any objection from the petitioner/defendant side and also broadly cross-examined from the petitioner side.

6. Moreover, a Village Administrative Officer, Rajakamangalam is working only under above said Tahsildar PW2, thus, Village Administrative Officer is not having authority to give evidence denying or contradictory to the evidence of PW2. Also, seeking any one Officer working under the Village Administrative Officer and Tahsildar to evidence without specifically mentioned the witness who the petitioner is seeking to examine is not acceptable.

7. The respondents further contention is that in the schedule mentioned in the petition, the petitioner mentioned Village Administrative Officer, Rajakamangalam and Tahsildar, Agasteeswaram Taluk. Whereas, in the affidavit, it has been mentioned as anyone Officer working in the above said offices. Moreover, B-memo, usually after expiration of three years once handed over, will be destroyed in the Taluk office. Knowing that, the petitioner purposefully filing this petition in order to cause delay and to drag on the

proceedings. Hence the petition is to be dismissed.

8. The point for consideration is whether the above petition has to be allowed or not?

9. Heard both sides. Records perused.

The petitioner is the defendant in the suit filed for Permanent injunction. On careful perusal of records, this court perceived that as rightly pointed out by the respondent/ plaintiff, one Mr. Kandasamy, Tahsildar, Agasteeswaram Taluk, has already been examined as PW2. Through him, Ext.A6 and A7 were marked, which were the proceedings issued by the Tahsildar, Agasteeswaram Taluk with regard to free house Pattas issued in the name of the plaintiff and one Alagammai and PW2 were meticulously cross-examined by the petitioners counsel.

10. The documents for which the petitioner now seeking to summon the witness namely Original B memos, already been marked as exhibit B1 to B3 on the side of the petitioner which were issued by the Tahsildar, Agasteeswaram Taluk and original proceedings (ஆ 1-23673/2007) issued in the name of the original plaintiff by the Tahsildar, Agasteeswaram Taluk which was marked as Ext. A2 on the side of the respondents/plaintiffs.

11. Since the above documents in question are original documents and properly issued by the competent revenue authorities, this court finds no

justifiable reason to summon witnesses from Village Administrative Office and Tahsildar's office in order to prove the authenticity of the document.

12. Further, the petitioner has failed to specify the exact witness sought to be summoned and examined and the reason stated in the affidavit is vague and not convincing. Therefore, this court is of the view that this petition seeking to summon the witnesses from Village Administrative Office, Rajakamangalam and Tahsildar, Agasteeswaram Taluk seems unnecessary and not essential for the just adjudication of the suit. Hence, in the light of above facts and circumstances of this case, this court is not inclined to allow this petition.

As a result, this petition is dismissed. No cost.

Dictated to the steno-typist, typed by her in the Computer directly, printed, corrected and pronounced by me in open court this the 6th day of April, 2026.

II Additional District Munsif,
Nagercoil.

Petitioner side witnesses and documents -: Nil.

Respondents side witnesses and documents : Nil.

II Additional District Munsif
Nagercoil.

*II ADM, Nagercoil.
Draft/Fair Order
I.A.No.12/2026 in
O.S.No.136/2020
Date: 06.04.2026.*