

**IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, KULITHALAI**

**Present : Selvi.A.Yughathymariya, B.Com, L.L.B.(Hons.,)**

**Additional District Munsif, Kulithalai.**

**Dated Thursday, the 18<sup>th</sup> day of June 2026**

**I.A No.15/2026 in O.S No.242/2016**

Kamalhasan

**...Petitioner/ 7<sup>th</sup> Defendant**

**- Vs -**

1) R.Nallaperumal **(Died)**

2) Indirani

3) Anburani

4) Jothimalar

5) Alaguraja

6) Sasikala

7) Elayarani

**...Respondents/Plaintiffs**

1) R.Ramasamy **(Died)**

2) The Thasildhar, Kadavur

3) The Revenue Divisional Officer, Kulithalai

4) State of Tamil Nadu,

rep. by its District Collector, Karur.

5) Village Administrative Officer,

Pannapatty Village.

6) Pappa

7) Gowthami

8) Arjunan

9) Kalaiyarasi

10) Thangamani

11) Meenakshmi

**....Respondents/Defendants**

This petition has come up for final hearing on 11.06.2026 before this Court in the presence of Mr.S.Sudhakar, the Learned Counsel appearing for the Petitioner and in the presence of Mr.R.M.Senthil, the Learned Counsel appearing for the Respondents and upon perusal of material records and having stood over for consideration till this day, this court delivers the following:

**ORDER**

This petition has been filed by the Petitioner/7<sup>th</sup> Defendant under Order 16, Rule 1 and 2 r/w Section 151 of CPC seeking permission of this Court to summon the Tahsildar, Kadavur and to examine him on the side of the Defendants in the above suit.

**Brief averments in the affidavit:**

2) The Petitioner is the 7<sup>th</sup> Defendant in the above suit. The Petitioner knows the facts of the case very well. Necessity has arisen for the Petitioner to issue summons to the Kadavur Tahsildar in order to prove the genuineness of the Patta comprised in Patta No.1030 in S.F.No.710/5 in Pannapatti Village, Kadavur Taluk, Karur District and also to prove the Adangal Extract in respect of the above said S.F.No.710/5.

3) This event is very vital to prove the case of the Petitioner and to disclose the truth before this Hon'ble Court. Hence, the permission of this Court is very important for proving the case of the Petitioner. Hence, this petition has been filed. If this petition is not allowed, the Petitioner will be put to irreparable loss

and hardships. By allowing this petition, the Respondents will not be prejudiced in any manner. Hence, this petition.

**Brief averments in the counter objection filed on behalf of the Respondents:**

4) This petition is false, frivolous and unsustainable in law. All the allegations except that are admitted by this Respondent are all false and specifically denied and the same is put to strict proof by the Petitioner. The allegation in Para No.2 of the affidavit that necessity has arisen for the Petitioner to issue summons to the Tahsildar, Kadavur in order to prove the genuineness of the Patta in Patta No.1030 and the Adangal Extract for the property in S.F.No.710/5 in Pannapatti Village, Kadavur Taluk are all meaningless and specifically denied.

5) The genuineness of the Patta for the proceedings before the revenue authorities for which the Petitioner has not explained the reasons for the issuance of the Patta in favour of the parties and in the absence of the same, this petition is deserved to be dismissed in limine. There is no valid reasons said out in the affidavit. All other allegations are denied. Hence, this petition deserves to be dismissed with costs.

**Point for consideration:**

5) Whether the Petitioner is entitled to the relief sought for in this petition or not?

**Evidence:**

6) There is no oral and documentary evidence adduced on either side.

**Discussion:**

7) Heard both sides. Records perused. Upon perusal of records, it is seen that the above suit has been filed by the Respondent/Plaintiff against the Petitioners/Defendants for the relief of declaration of title over the suit 'B' Schedule Property and for the consequential relief of Permanent Injunction restraining the Defendants from interfering with the Plaintiff's peaceful possession and enjoyment over the suit 'B' Schedule Property. This being so, in the above suit, the Plaintiff side evidence was closed and on the side of the Defendants, the 7<sup>th</sup> Defendant was examined as DW1 and through him Ex.B1 and Ex.B8 were marked and the above suit has been now posted for further Defendant side witness.

8) This being so, this petition has been filed by the Petitioner/7<sup>th</sup> Defendant seeking permission of this Court to issue summons to the Tahsildar, Kadavur to examine him as the Defendant side witness in the above suit. The major contentions that have been raised on the side of the Petitioner are that in order to prove the genuineness of the Patta in Patta No. 1030 and the Adangal Extract in respect of the suit 'B' Schedule Property comprised in S.F.No.710/5, it is just and necessary to summon the Tahsildar, Kadavur and to examine him regarding to the same. Further, the Petitioner contented that if this petition is not allowed, the Petitioner will be put to irreparable loss and hardships and on allowing this petition, the Respondents will not get prejudiced. Further, the Petitioner alleged that it is very vital and important to prove the case of the Petitioner by way of allowing this petition by summoning the Tahsildar and examine him on the side of the Defendants in the above suit.

9) Per contra, the major objection that had been raised on the side of the Respondents is that the Respondent had denied the allegations contained in the affidavit and the Respondents alleged that there is no specific reason stated by

the Petitioner for summoning the Tahsildar, Kadavur and hence, sought this Court to dismiss this petition.

**10)** Upon careful consideration of the submissions made on both sides and upon perusal of material records available on hand, it is the case of the Plaintiff/Respondent in the above suit that the Plaintiff is the absolute owner of the suit 'A' and 'B' Schedule Property. Therefore, the Plaintiff has claimed the relief of declaration of the title and for the consequential relief of Permanent Injunction in respect of the suit 'B' Schedule Property which is comprised in S.F.No.710/5 in Pannapatti Village, Kadavur Taluk and Karur District. This being so, the Defendants/Petitioners herein had denied the title of the Plaintiff over the 'B' Schedule Property by way of filing their written statement and disputed the title of the Plaintiff over the same.

**11)** This being so, this Court is of the considered view that opportunities must be given to both the parties to prove their cases respectively by letting in both oral and documentary evidences. This being so, the reasons stated by the Petitioner that to prove the genuineness of the Patta comprised in Patta No.1030 and to prove the genuineness of the Adangal Extract for the suit 'B' Schedule Property namely the property comprised in S.F.No.710/5 in Pannapatty Village, Kadavur Taluk, it is just and necessary to summon the Tahsildar, Kadavur who is none other than the Patta issuing authority. Therefore, this Court finds the reasons stated by the petitioner as justifiable and satisfactory. This apart, there is no major objection raised on the side of the Respondents rather than denying the petition averments. This Court also ensures that if this petition is allowed, the Respondent will get no way prejudiced. Rather, if this petition is not allowed, the Petitioners will be put to irreparable loss and hardships. Therefore, to meet out the ends of justice, this Court is inclined to allow this petition. Further, this Court is of the view that if the witness is being summoned and

examined in the above suit, the witness being the revenue official, it will further facilitate this Court to arrive at a fair, final and binding adjudication as to the disputes existing between the parties and to render complete justice.

**Result:**

In the result, for all the reasons stated above, this petition is allowed. No costs.

Dictated to my steno-typist, taken down by her in short hand and typed by her in the Computer, corrected by me and pronounced by me in the open court on this the 18<sup>th</sup> day of June 2026.

**Additional District Munsif,  
Kulithalai.**

Petitioner side witness and documents	-	Nil.
Respondents side witness and documents	-	Nil.

**Additional District Munsif,  
Kulithalai.**