

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

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

**Additional District Munsif, Kulithalai.**

**Dated Tuesday, the 23<sup>rd</sup> day of September 2025**

**I.A No.03/2025 in O.S No.170/2022**

Shanmugam

**...Petitioner /Plaintiff**

**- Vs -**

1) Andiyappan

2) Sivakumar

3) Rasamal

**...Respondents/ Defendants**

This petition has come up for final hearing on 19.09.2025 before this Court in the presence of Mr.K.Sakthivel, the Learned Counsel appearing for the Petitioner and in the presence of Mr.B.Thiagarajan, the Learned Counsel appearing for the Respondents No. 1 to 3 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 under Order 16, Rule 1 and 2 of CPC in order to summon and examine the Village Administrative Officer, T. Idaiyapatti West Village, Kadavur Taluk, Karur District as a Plaintiff side witness in the above suit.

**Brief averments in the petition affidavit:**

2) The Petitioner is the Plaintiff in the above suit. The above suit has been filed for the relief of Permanent Injunction against the Defendants/Respondents herein. The suit property which is situated in Idaiyapatti West Village in S.F.No.1920 was originally given to the Plaintiff's family by the Bhoomidhana Board. In the suit property, the Plaintiff has put up a well and doing cultivation over the same. The suit property and the well absolutely belongs to the Plaintiff. In the suit property in

respect of the Petitioner's share, the Petitioner has constructed a well under the Jeevandhara Well Scheme and has been in the possession of the same. In order to prove the case of the Petitioner, in respect of the share of the Petitioner over the suit property to an extent of Acre 1.33 Cents land, the Electricity Service Connection and the crops cultivated therein, it is necessary in the interest of justice, the Village Administrative Officer of Idaiyapatti West Village is necessarily to be summoned and examined as Plaintiff side witness in the above suit, in respect of the adangal extracts for the suit property during the fasili years of 1431,1432 and 1433. If this petition is allowed, the Respondents would no way get prejudiced. If this petition is not allowed, the Petitioner will be put to irreparable loss and hardships. Hence, this petition.

**Brief averments in the counter filed by the Respondents:**

3) The application at this stage of the proceedings, is legally unsustainable and the Petitioner is not entitled to the relief as prayed for. The application to produce the adangal extract for the above fasili years is not maintainable as the above documents are public documents and the certified copies of the same are available in the Taluk Office. Hence, this application to summon the VAO as witness to produce adangal is unnecessary and it will only drag on the proceedings. Hence, this petition is liable to be dismissed.

**Point for determination:**

4) Whether this petition is entitled to be allowed or not?

**Evidence:**

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

**Discussion:**

**6)** Heard both sides. Perused records. Upon perusal of records, it is seen that the above suit has been filed by the Petitioner/Plaintiff for the relief of Permanent Injunction in respect of the suit property in S.F.No.1920 in Idaiyapatti West Village against the Respondents/Defendants. Upon perusal of records, it is also seen that this petition is filed to summon the Village Administrative Officer of the Idaiyapatti West Village, as Plaintiff side witness in the above suit for recording his evidence, in respect of the suit property. Admittedly, in the above suit, already PW1 and PW2 were examined on the side of the Plaintiff. When the above suit was posted for further PW's, this petition to summon and examine the official witness namely the VAO was filed by the Plaintiff.

**7)** The major contention placed on the side of the Petitioner/Plaintiff is that in respect of his share over the suit property in S.F.No.1920 to an extent of Acre 1.33 Cents, under the Jeevandhara Well Scheme, the Petitioner had constructed a well over the same and has been doing agriculture over the suit property. It was also submitted by the Petitioner that in respect of the land in his possession, it is necessary in the interest of justice to examine the VAO of Idaiyapatti West Village as a Plaintiff side witness in respect of the suit property, with the help of the adangal extracts of the same for the fasili years of 1431, 1432 and 1433.

**8)** Per contra, the only major objection that was placed on the side of the Respondents is that the above documents can very well be available in the Taluk Office and since they are public documents, the certified copies of the same can easily be obtained by the Petitioner and sought this Court to dismiss this petition.

**9)** Upon considering the facts and circumstances of this case, this Court is of the view that in order to prove the possession of the Petitioner over the suit property, this petition has been filed by the Petitioner/Plaintiff, to summon the Village Administrative Officer of Idaiyapatti West Village as Plaintiff side witness. This Court is of the view that the purpose for which the witness is proposed to be summoned as stated by the Petitioner is found to be sufficient. Also, there is no

strong objection on the side of the Respondents. Therefore, this Court of the view to allow this petition in the interest of justice. This Court is also ensures that by allowing this petition the Respondents would no way get prejudiced rather they will be getting every opportunity to cross examine the summoned the witness.

**Result:**

In the result, in the interest of justice, this petition is allowed. The Village administrative Officer of T.Idaiyapatti West Village, Kadavur Taluk, Karur District is hereby summoned before this Court as Plaintiff side witness. The Petitioner is hereby directed to meet out the travelling expenses of the witness.

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 23<sup>rd</sup> day of September 2025.

**Additional District Munsif,  
Kulithalai.**

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

**Additional District Munsif,  
Kulithalai.**