

IN THE COURT OF DISTRICT MUNSIF, VADIPATTI**PRESENT:** Thiru. M.P. Ramkishore, B.E., B.L., Hons'

District Munsif, Vadipatti.

Dated this the 13th day of December 2024**I.A.No.3 / 2024****in****O.S.No.100 / 2013**

Balamurugan,
S/o. Muniyandi

.... *Petitioner /Plaintiff***//Versus//**

1. P. Karthi
S/o. Pandi
2. Pandi,
S/o. Pandi
3. Executive Officer,
Vadipatti Panchayat,
Vadipatti.
4. Tahsildar,
Vadipatti.
5. The District Collector,
District Collector Office,
Madurai.

.... *Respondents / Defendants*

This petition is filed before this Court on 04.11.2024 and Advocate Thiru. G.M. Ramani appeared for the Petitioner / Plaintiff, Advocate Thiru. K. Santhanakaruppasamy appeared for the R1 / D1 and Learned Government Pleader appeared for R3 to R5 / D3 to D5, and this petition came before me for final hearing on 13.12.2024. Upon hearing the

arguments advanced by both side's counsel and upon perusing the available material records, today this Court has delivered the following....

ORDER

1. This petition was filed under order 13 rule 10(1) of C.P.C. to summon Tasildhar to produce documents .

2. Petition averments in brief:

The petition contention was that, the petitioner herein was the plaintiff in the main suit. The main suit was filed by this petitioner for permanent injunction. This petitioner contention was that the petition property was a narrow lane in natham land. Hence it is necessary for the petitioner to produce the adangal extract, 'A' register, and FMB for the suit property and mark those documents in evidence. Only then the petitioner can bring out the nature of the suit property before this court. Hence this petition was filed to direct the officials from Taluk office, Vadipatti to produce the documents mentioned in the petition.

3. Counter averments in brief:

The respondents filed counter by denying the entire petition contentions and stated that this petition was filed only to protract the suit proceedings. The documents sought to be produced in the petition were already marked in the main suit along with the advocate commissioner report. Even then, the petitioner can get the certified copies of those documents and mark them in the main suit. The petitioner was not entitled to call for documents during the stage of defendants side evidence. No reason was stated in the petition to call for the documents. The main suit was posted on 15.12.2021 for cross of Dw.1 at that time the petitioner had filed impleading petition to implead respondents 2 to 4. Then the main suit was pending for marking of documents on defendants side at that stage this petition was filed. Hence this petition was filed without any merit and liable to be dismissed.

4. **Point for determination** : Whether this petition can be allowed to call for documents from Taluk office Vadipatti?

Heard both sides, records perused. The petitioner filed this petition to direct the officials from taluk office, vadipatti to produce documents. On the other hand, the respondents challenged the petition stating that this petition was filed without any valid grounds and was filed only to delay the proceedings. Both sides have not filed any documents with this petition.

5. On perusal of records, the main suit was filed for permanent injunction, in the suit proceeding plaintiff side evidence was over and the suit was pending for defendant side evidence. At this stage this petition was filed to call for documents from Taluk office, Vadipatti. This petition was filed under order 13 rule 10(1) but as the relief sought in the petition was for issuing summon to produce document, this court is inclined to deal this petition under order 16 rule 6 of C.P.C.

6. This petition was filed on the main ground that, it is necessary for the petitioner to bring out the nature of property before this court. But as pointed out by respondent in the counter, in this suit proceeding already advocate commissioner was appointed and report was filed. Even the FMB for the suit property was filed with the advocate commissioner report. In such circumstance the petitioner's ground that the petition mentioned documents were necessary to show the nature of property before this court does not hold good. Further the documents sought to be produced were public documents, that can be very well produced by the petitioner but instead the petitioner had sought to sent summon from this court to produce document. The petitioner did not assign any special reason to enable the court to sent summons to produce the documents mentioned in the petition. Thus this court is of the view that as the nature of property was already brought before this court by advocate commissioner report and as the suit was pending since 2013, the documents mentioned in the petition is not at all necessary to be summoned for.

7. ***In the result***, the petition is dismissed, no costs.

Directly dictated to the Stenographer and computerized error checked and pronounced in the open court on *the 13th day of December 2024*.

District Munsif,
Vadipatti.

Petitioners side witness and documents:Nil

Respondents side witness and documents:Nil

District Munsif,
Vadipatti.

Fair Order / ~~Draft Order~~

DISTRICT MUNSIF COURT,
Vadipatti
I.A. No.3 / 2024
in
O.S. No.100 / 2013
Fair Order / ~~Draft Order~~
Dated: 13.12.2024