

IN THE COURT OF THE DISTRICT MUNSIF AT UDHAGAMANDALAM

Present: **Thiru. L. PRAKASH, B.Sc., B.L.,**
DISTRICT MUNSIF, UDHAGAMANDALAM.

Tuesday, the 27th day of January 2026

I.A. No. 01 of 2026
In
O.S. No. 97 of 2016
(C.N.R. No. TNNS030 - 00304 - 2016)

J. Ravindran

... Petitioner/Plaintiff

/Vs/

1. M.J. Subban

2. P. Suresh Babu

... Respondents/Defendants

This petition came on 22.01.2026 for final hearing before me in the presence of Thiru. Pon Ramachandran, learned Counsel for the Petitioner/Plaintiff and respondents remaining exparte, upon hearing exparte enquiry of the petitioner's side and upon having stood over for consideration till this day, this court delivered the following:

ORDER

1. This petition is filed under Order XVI of the Code of Civil Procedure read with Section 151 CPC seeking permission to examine official witnesses to prove Ex.A4, Ex.A13, Ex.A16 and Ex.A17.

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Gist of Petition and Affidavit:

2. The Petitioner/Plaintiff submits that, he had originally filed the suit for the relief of permanent injunction in respect of the suit property. During the pendency of the suit, the defendants demolished the compound wall, grill gate and footpath and encroached an extent of 0.02¾ out of 0.06 acres in the suit property and put up illegal construction. In view of the subsequent developments, the plaintiff filed an amendment petition seeking the relief of mandatory injunction, which was allowed in I.A. No. 1094 of 2016.

3. The petitioner further states that in order to substantiate his case regarding the suit property, the alleged encroachment and the acts of the defendants, and to prove the documents marked as Ex.A4, Ex.A13, Ex.A16 and Ex.A17, it is necessary to examine the following official witnesses The President, Hullathi Village Panchayat, The Revenue Divisional Officer, Ootacamund, The District Revenue Officer, Ootacamund, as they are competent to speak about the relevant official records and communications:

4. It is further stated by the petitioner that without examining the said witnesses, the plaintiff will not be in a position to effectively prove the said documents and establish his case, and he would suffer hardship and irreparable loss. Hence, this petition.

5. Notice of hearing was ordered to the respondents. Notice was taken by the learned counsel for the respondents. The matter was posted on several

occasions for filing counter. Despite sufficient opportunities and adjournments granted by this Court, the respondents have not filed any counter statement. Hence, the respondents are set ex parte in this petition.

Points for determination:

6. Heard the exparte enquiry of the petitioner's side, petition, affidavit and case records perused carefully. The points for determination in this petition are
 1. Whether the petitioner/plaintiff has shown sufficient and valid grounds for summoning and examining the official witnesses, namely the President, Hullathi Village Panchayat, the Revenue Divisional Officer, Ootacamund, and the District Revenue Officer, Ootacamund, for the purpose of proving Ex.A4, Ex.A13, Ex.A16 and Ex.A17? 2. Whether the examination of the said official witnesses is necessary for proper and effective adjudication of the issues involved in the suit? 3. To what relief the petitioner is entitled?

Discussion on Points:

7. The petition has been filed to summon and examine official witnesses for the purpose of proving Ex.A4, Ex.A13, Ex.A16 and Ex.A17. The suit, in its present form, is one for declaration that the sale deed bearing Doc. No. 419/2016 dated 01.04.2016 executed by the 1st defendant in favour of the 2nd defendant is null and void, for declaration that the plaintiff is the absolute owner having right, title and interest over the suit property, and for mandatory injunction directing the defendants to demolish the alleged illegal construction put up within the suit schedule property.

8. The dispute between the parties relates to title to the suit property, validity of the sale deed, survey particulars, alleged encroachment and construction, and the connected official records. The documents marked as Ex.A4, Ex.A13, Ex.A16 and Ex.A17 are stated to be official records. The witnesses sought to be examined are public officials connected with the Village Panchayat and the Revenue Department and they are competent to speak about the official communications and records relating to the suit property.

9. Though there is delay in seeking permission to examine the witnesses, the power conferred on this Court under Order XVI Rule 1(3) of the Code of Civil Procedure enables the Court to permit a party to call witnesses at a later stage for reasons to be recorded. In the present case, the evidence of the proposed witnesses appears to be relevant and material for proper adjudication of the issues involved in the suit, which concerns declaration of title, validity of a sale deed and official property records.

10. It is also seen from the records that the suit is of the year 2016 and has been pending for more than ten years and is presently at the stage of further plaintiff's evidence. The pendency of the suit appears to be on account of various interlocutory applications, including the Advocate Commissioner petition and amendment petitions filed by the plaintiff. Therefore, while permitting the plaintiff to examine the said official witnesses in the interest of justice, this Court is of the view that further delay in the trial should be avoided.

11. No serious prejudice would be caused to the respondents by allowing the petition, as they would have sufficient opportunity to cross-examine the witnesses. On the other hand, refusal to permit examination of the proposed witnesses would affect the plaintiff's opportunity to prove the documents relied upon.

12. In such circumstances, this Court holds that the petitioner has made out sufficient grounds to summon and examine the said official witnesses. At the same time, considering the age of the suit, the plaintiff is directed to proceed with the suit without seeking unnecessary adjournments and to cooperate for early disposal of the suit.

Result:

13. In the result, the petition is allowed. The petitioner/plaintiff is permitted to summon and examine the following official witnesses or their authorised representatives, namely, the President, Hullathi Village Panchayat, the Revenue Divisional Officer, Ootacamund, and the District Revenue Officer, Ootacamund, for the purpose of proving Ex.A4, Ex.A13, Ex.A16 and Ex.A17.

14. Issue summons on payment of necessary batta within the three days.

15. Considering that the suit is of the year 2016, the plaintiff is directed to proceed with the suit without seeking unnecessary adjournments and to cooperate for early disposal of the suit.

Dictated by me to the steno-typist, typed by her in computer, corrected and pronounced by me in open court, this the 27th day of January 2026.

**DISTRICT MUNSIF,
UDHAGAMANDALAM.**

Draft/Fair Order:

**I.A. No. 01/2026
in
O.S. No. 97 of 2016**

Dated: 27.01.2026

**District Munsif Court,
Udhagamandalam.**