

**DMC ARAKKONAM 1 IA.01 of 2024 IN Os.27/2015
IN THE COURT OF DISTRICT MUNSIF ARAKKONAM RANIPET DISTRICT**

PRESENT:- Selvi.A.AMEENA.,BBA.,LLB(Hons)

DISTRICT MUNSIF, ARAKKONAM

Wednesday the 29th day of October 2025

IA.No.01 of 2024 IN Os.No.27/2015

(CNR - TNRP080000362015)

R. Balasundaram

---Petitioner/Plaintiff

(vs)

1. Sulochanammal(died)
2. D.Srinivasan
3. D.Subramanian
4. D.Vaidhiyananthan
5. D.Gopal (died)
6. Mrs. Leelavathy
7. Mrs. Geetha
8. Mrs. Lalitha
9. J.Dayalan
10. Yamunarani
11. Jaibharathi
12. G. Sowmyasri

---Respondents/defendants

This petition is coming for final hearing before me on 16.10.2025 in the presence of Mr.S.P.Sampathkumar counsel appearing for Petitioner/Plaintiff. Mr. P.Ramamoorthy counsel appearing for D2 to D9. D10 to D12 are set exparte on 09.04.2025. On perusal of entire case records having stood over for consideration till this day, this court has delivered the following:-

ORDER

The petition is filed under section 151 of CPC to permit the petitioner to examine the Tahsildar, Arakkonam Taluk office, Arakkonam at the time of producing documents and pass necessary orders.

1. Brief Averments of petition:

The petitioner submits that the petitioner paid the witness batta to the Tahsildar Arakkonam Taluk Office to produce the documents only in respect of the suit properties without examining the Tahsildar Arakkonam if the documents are only received, by the documents from the office of Tahsildar the details of the documents and entry made in the documents cannot be explained without examining Tahsildar Arakkonam Taluk office if the Tahsildar, Arakkonam Taluk Office examined in respect of the documents to be produced by him, it will easily prove the case of both parties and also it is easy to come to conclusion. Hence prays to examine Tahsildar, Arakkonam at the time of producing the documents the Patta, Chitta and Adangal for the suit properties.

2. Brief Averments of counter filed by the respondents 2 to 9:

2.1. The respondent submits that the petition filed by the respondent unsustainable both in law and on facts of the case. Further submits that the petitioner has filed the suit against the respondents and others for specific performance of contract on the basis of the alleged sale agreement dated 1.6.1978 alleged to have been executed by Dhayanandhan in favor of the plaintiff. The plaintiff filed suit in the month of March 2015. The respondents have filed a detailed written statement that the plaintiff is legally not entitled to file the suit for specific performance of contract as the alleged agreement dated 1.6.1978 is clearly barred by limitation.

2.2. Further submits that the petitioner plaintiff was examined as PW1 long back and was also cross examined. The plaintiff was examined two witnesses as PW2 and PW3 and they were also cross examined fully thereafter the petitioner filed an application for appointment of advocate commissioner to prove that he is in possession of the suit properties and this honorable court dismissed the said petition. The petitioner plaintiff has paid the batta to produce the alleged documents mentioned in the petition now the petitioner has filed this petition for producing the alleged documents and be permitted to examine the Tahsildar in respect of the alleged documents.

2.3. Further submits that the petitioner has filed the suit for specific performance of contract in respect of the alleged sales agreement 1.6.1978. With regard to the title to the suit properties, there is more dispute between the parties. Whether the petitioner plaintiff is entitled to enforce the contract on the basis of alleged sale agreement dated 1.6.1978 is the point for consideration before this honorable court and as such the petitioner is not entitled to summon the tahsildar, for production of the alleged documents and to examine before this honorable court. The petitioner plaintiff has failed his attempt to take out the advocate commissioner to inspect the suit properties to prove his alleged position now the petitioner has filed the petition for production of the alleged documents and to examine the Tasildar Arakonam to examine before this court stop the petitioner has filed this application only to drag on the suit proceedings and to harass the respondents. The alleged documents Chitta, patta and Adangal for the suit properties are not at all relevant for the purpose of the suit. Hence prayed to dismiss the application with cost.

3.Points for consideration:

Whether this petition is to be allowed or not?

There was no oral evidence examined and no documentary evidence marked on both sides.

4.Discussion and findings:

4.1. Heard both sides. Perused the records. The case of the petitioner is that he wants to summon Tahsildar Arakkonam to produce Patta, chitta, Adangal of suit properties and to prove the entries in the said documents by examining Tahsildar. Whereas the respondent/defendant contends that the petitioner has filed the suit for specific performance of contract in respect of the alleged sale agreement 1.6.1978. With regard to the title to the suit properties, there is more dispute between the parties. The petitioner is not entitled to summon the Tahsildar, for production of the alleged documents and to examine as they are relevant to this suit.

4.2. Upon perusal of rival submissions this court is of opinion that the suit has been filed by the petitioner/plaintiff for specific performance of sale agreement,

delivery of possession and permanent injunction. There is no dispute with regard to the ownership of property. Further the plaintiff has not stated any dispute with respect to mutation of revenue records like patta, chitta, Adangal. Thus, this court is of opinion that that a Tahsildar can be summoned if there is dispute regarding the official records, if any previous mutation of records challenged, if Tahsildar possess documents which cannot be easily be produced by parties. Here in this case, the core dispute is solely about the sale agreement, the plaintiff's ready and willingness. If the plaintiff wants to produce patta, chitta, Adangal he can very well download it from online or get it from the revenue authorities directly as those are public documents.

4.3. Therefore, summoning of Tahsildar to simply produce documents that a party can obtain on their own is unnecessary to this suit. Moreover, the entries of such documents can be very well seen by viewing the said revenue documents, thus Tahsildar who is working for the public cannot be summoned for the reasons stated by the petitioner as this court finds it unnecessary. Hence this court is not inclined to allow this petition.

In result this petition is Dismissed. No cost.

Directly, typed by me in my laptop, corrected and pronounced by me in the Open Court on this the 29th day of the October 2025.

District Munsif,
Arakkonam.