

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

PRESENT: Thiru. A. DHARANIDHARAN, B.Sc., M.L., M.A., LL.M.
District Munsif, Devakottai
Monday, the 20th day of December, 2021

I.A. 12/2021
in
O.S. No. 45/2013

1. Lakshmi 75/2021 Petitioner/Plaintiff

Vs

1. Natarajan 83/2021
S/o Kurunthappan

2. Paapaal 75/2021
W/o Natarajan

3. Thiruchelvam 53/2021
S/o Natarajan

4. Balasubramani, 43/2021
S/o Natarajan

5. Kanagavalli 48/2021
W/o Thiruchelvam

6. The District Collector,
Sivagangai

7. The Tahsildar,
Devakottai

8. The Sub-Collector,
Devakottai

Respondents/Defendants

The petition having been finally heard on 20.12.2021 in the presence of Mr. N. Sekar, the learned counsel for the Petitioner and the respondents 1, 2, and 5 have endorsed as “No Counter”, and in the Presence of Mr. Ponmudi, Government Pleader, the learned counsel for Respondents 6, 7 and 8 and upon hearing the arguments of both sides and after perusal of the entire records and having stood over for my consideration till this day, this Court delivers the following:

ORDER

The petition was filed by Petitioner under Section 75 and 76 of Civil Rules of Practice for production of records in the custody of public officer.

2. The averment set out in the petition/affidavit filed by the petitioner are as follows:

2.1 The Petitioner states that originally the suit property was an ancestral property of the petitioners/plaintiffs. The suit property has an extent of 3 cents in Survey No. 75/19. The Petitioner states that in order to ascertain that the defendants 1 to 5 were not in possession of the suit property, it is pertinent to produce the document bearing Survey No. 75/19 through the authorized person of the District Collector, Sivagangai along with the Settlement Register.

The respondents R6, R7 and R8 denies the claim made by the petitioner and contend that the petitioners were dragging the case for the past 8 years and the present application is only filed to drag the case and the present petition is liable to be dismissed with costs.

4. Now the point for consideration is whether the petitioner is entitled to get the relief as prayed for?

5. No oral or documentary evidence was adduced on the side of the Petitioners.

6. No oral or documentary evidence was adduced on the side of the Respondents.

7. Both the sides heard.

8. This Court is of the opinion that when the party could himself, produce any documents from the public office, summoning of the public officer shall not be done and it has been further observed that, when the application for certified copy has been refused; only then the Court may issue summons to examine such witness. The petitioner didn't state about the application made to the Public Officer for the Certified Copy and the result of such application. Hence, there is no merit in this application. In the Result, this Court is inclined to dismiss this petition.

In the result, this petition is dismissed.

This Order was directly typed by me in my official laptop, corrected by me and pronounced by me in the open Court on this the 20th day of December, 2021.

**Sd./- A. DHARANIDHARAN,
District Munsif,
Devakottai**

Annexures:

List of witnesses on the side of the Petitioner/Plaintiff
NIL

List of documents on the side of the Petitioner/Plaintiff
NIL

List of witnesses on the side of the Respondents/Defendants
NIL

List of documents on the side of the Respondents/Defendants
NIL

**Sd./- A. DHARANIDHARAN,
District Munsif,
Devakottai**

/True copy/