

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 25th day of April, 2022

I.A. 13/2022
in
O.S. No. 45/2013

Lakshmi
W/o Marimuthu

Petitioner/Plaintiff

Vs

1. Natarajan 84/2022
S/o Kurundhappan
2. Paappal 76/2022
S/o Natarajan
3. Thiruchelvam, 54/2022
S/o Natarajan
4. Balasubramani, 44/2022
S/o Natarajan
5. Kanagavalli, 49/2022
S/o Thiruchelvam
6. District Collector
Sivagangai
7. Tahsildhar
Devakottai
8. Sub Collector
Devakottai

Respondents/Defendants

The petition having been finally heard on 25.04.2022 in the presence of

Mr. N. Sekar, the learned counsel for the Petitioner and in the absence of the learned counsel for Respondent and upon hearing the arguments of the petitioner 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 Rule 75 and Rule 76 of the Civil Rules of Practice for direction to summon the production of records which is in the custody of public officer.

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

2.1 This petition was filed under Rule 75 and Rule 76 of Civil Rules of Practice for summoning the Periakarai Group VAO to depose evidence on Survey No. 75/19, FMB, "A" Register etc. The respondents also failed to file the counter even after providing several opportunities.

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

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

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

6. Heard the Petitioner.

7. Hence, 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. 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 25th day of April, 2022.

**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

**District Munsif,
Devakottai**