

**IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI**

**PRESENT : Tmt.R.PREMI, B.A., L.L.B., (Hons).,**

District Munsif, Devakottai

Thursday, the 26<sup>th</sup> day of February, 2026

**IA.No.11/2026**

**in**

**OS.No.121/2013**

1. Karuppaiah (died)
2. Kaliyammal
3. Chellaiah
4. Lakshmi
5. Murugesan
6. Boominathan
7. Sekar

...Petitioners

-Vs-

1. Karuppaiah
2. Thangavelu
3. Sornavalli
4. Vazhavanthan (died)
5. Kaliyammal
6. Vellaikannu
7. Selvam
8. Pandimeenal
9. Raku
10. Veeraiah

...Respondents

This petition is coming before me for final disposal in the presence of Thiru.N.Ramji learned advocate for the Petitioners, Thiru.N.Shankar learned advocate for the Respondents. Having heard of both side enquiry and upon perusing the documents, this court do hereby pronounce the following...

**1. The averments in the petition are as follows:**

The petition has been filed under Order XVI Rule 6 of Civil Procedure Code. The petitioner states that he has filed a suit for declaration and permanent injunction with respect to the suit properties. In the order of the DRO of Sivagangai and in the written statement filed by the respondent/defendant, it has been stated that the said Panandhi has obtained the patta for the suit property only in the year of 1970 and during 1956, the suit property existed as government property in the settlement register. The petitioner states that as per his claim and the sale deed, the patta for suit property existed in the name of Panandhi in the year of 1956, who has sold the property to the previous owner of the petitioner in the year of 1966. Hence, in order to prove the same, the petitioner has filed this petition to summon and examine the record keeper in the District Collector Officer of Sivagangai and also to produce the settlement registers with respect to survey no.242/1 in Pookulam Village, Thrani Group, Devakottai Taluk, Sivagangai District. He also states that the respondents could not have any objections with respect to the same. Hence, he prays for the petition to be allowed.

**2. Averments in the counter are as follows:**

The respondent is the first dependent in the main suit. The respondent has denies the contentions of the plaint and states that the petition has been filed to drag on the proceedings of the case having knowing the fact that in whose name

the suit property existed during the settlement period and the UDR period. The respondent states that he has given a petition to the DRO of Sivagangai stating that during the UDR period, entry was wrongfully made with respect to survey number 242/1, 243/1 with respect to some other person and on the said petition, order was passed by the DRO of Sivagangai on 10/09/2013 in which he has clearly mentioned as to in whose name the property existed during the settlement period and the UDR period. This being so, the petitioner has filed this petition to deceive the court and obtain an order in his favour. The petitioners also have a copy of this order. If they produce the same, the facts will be cleared. Also, the settlement register and the UDR registers with respect to the suit property are public documents and certified copy of the same can be obtained easily even through the Right to Information Act or he can get the certified copy of the same by applying for the copy application in the record section of the District Collector Office of Sivagangai. Despite there being many ways to obtain certified copy, the petitioner has filed this petition to drag on the proceedings of the case. Hence he prays for the petition to be dismissed.

**3. Now the question to be decided is whether the petition has to be allowed or not?**

3(i). Petition and counter perused. Enquiry heard on both sides. The petition has been filed to summon and examine the record keeper of the District Collector Office with respect to documents regarding suit property. The petitioner has stated the reason that he needs to prove that the suit property existed in the name of Pananthy in the year of 1956 and in order to prove the same he wants to produce the extract of settlement registers and UDR registers regarding the suit property and hence, he has filed this petition to summon and examine the record keeper regarding the same. On the other hand, the respondent has denied the

contentions stating that these documents are easily accessible public documents and that certified copies of the same can be received easily since they are public documents. Also, he has marked the exhibit R1, which is the order of the District Revenue Officer dated 10/09/2013 to show that the District Revenue Officer has stated as to in whose name the property stood during the settlement period and the UDR period. Both side arguments were perused. It becomes clear that the petition has been filed to summon and examine the record keeper with respect to documents regarding the suit property. It is true that the documents sought to be summoned and produced by this petitioner are stated as settlement registers and UDR registers which are public documents and can be accessed by the petitioner. Moreover, certified copies of the same can be received through proper measures and the same can be produced before the court.

3(ii). The learned counsel for the petitioner has argued that, question would arise with respect to genuineness of the document if copies were to be produced. Since the documents are public documents and the originals cannot be produced before the court, certified copies are very well acceptable and the certified copies can be considered as a valid piece of evidence as per section 77 of the Indian Evidence Act, 1872. Moreover, the record keeper cannot be summoned as a regular procedure to depose in the court with respect to the documents that can be easily obtained by the petitioner. Also, the petitioner has not stated any other valid reason to summon and examine the record keeper other than to show that the said property existed in the name of Pananthi. This is not a sufficient reason to summon and examine the Government official who can only depose with respect to the genuineness of custody of the document. Also, there is a well-settled principal that the Government employee cannot be summoned as a regular procedure to depose for a person in the court without any valid and

proper justification for the same. The provision under Order XVI Rule 6 is a specific provision enabled to summon a person to produce a document without being summoned to give evidence, as the provision explicitly states so. But the petitioner has filed this petition praying to summon and examine the record keeper to produce the documents regarding the suit property and also to examine him as a witness. Hence the prayer of the petitioner cannot be accepted for this reason. Hence, on perusal of both side arguments, it becomes clear that the reason stated by the petitioner is not satisfactory. Hence, in the end, the petition is dismissed. No order as to cost.

#### **4. Decision**

**In the end, the petition is dismissed. No order as to cost.**

This Order was dictated by me, typed by the steno-typist, corrected by me and pronounced by me in the open court on 26<sup>th</sup> day of February 2026.

**District Munsif,  
Devakottai.**

#### **Annexures:**

List of witnesses on the side of the Petitioners-Nil-

List of documents on the side of the Petitioners-Nil-

List of witnesses on the side of the Respondents-Nil-

List of documents on the side of the Respondents-Nil-

**District Munsif,  
Devakottai.**

