

**IN THE COURT OF DISTRICT MUNSIF, AUNDIPATTI.**

**PRESENT: Thiru. E. Suganthan, B.A., L.L.M.,
District Munsif, Aundipatti.**

Monday, the 01st day of June 2026

**IA. No : 4/2026
in
OS. No : 24/2024
CNR.TNTH140000352024**

Vinothkumar ... **Petitioner/1st Defendant**

-Versus-

Karthickraja

(Through his power agent Thiruvenkatasamy) ... **Respondents/Plaintiffs**

This order came upon on 27.04.2026, for final hearing before me in the presence of Mr.R.Vijayaraj Advocate for the Petitioners and Mr.V.Alagirisamy advocate appeared for Respondent and Upon hearing the arguments on both sides and having stood over till this day for my consideration, this court delivers the following...

ORDER

This petition has been filed by the petitioner/1st Defendant under Section 151 of Civil Procedure Code seeking issuance of summons to the Sub-Registrar, Aundipatti and the Tahsildar, Aundipatti to produce certain documents relating to the suit property.

For the sake of convenience, the parties are referred to according to their litigative status in the main suit.



1. At the outset, it is seen that the present petition has been filed under Section 151 of CPC. However, the relief sought by the petitioner is essentially for issuance of summons to public authorities for production of documents and therefore, the proper provision applicable to the present petition is Order XVI Rule 1 and Rule 6 of CPC. Nevertheless, it is a settled principle of law that mere quoting of a wrong provision or non-mentioning of the correct provision would not by itself disentitle a party from seeking the relief, if the Court otherwise has jurisdiction to entertain the petition and the necessary facts are available on record. Hence, this Court proceeds to consider the petition on merits under the appropriate provisions of law.

2. The brief facts stated in the petition is that the suit has been filed by the plaintiff for the relief of declaration and permanent injunction in respect of the suit property. According to the petitioner/1st Defendant, he is the absolute owner of the property comprised in Survey No.1121/A1A1 measuring 1 acre by virtue of a registered settlement deed dated 05.09.2012 alleged to have been executed by his grandfather T.K. Muthurangasamy Naidu in his favour. It is the contention of the petitioner that suppressing the existence of the said settlement deed, the plaintiff and the 2nd Defendant fraudulently entered into a partition deed dated 06.08.2014 including the very same property. According to him, the 3rd Defendant/Sub-Registrar, Aundipatti registered the said partition deed without properly verifying the earlier encumbrances. It is further contended that the Tahsildar, Aundipatti issued patta in favour of the plaintiff without proper verification of the title documents. Hence, the petitioner seeks issuance of summons to the Sub-Registrar, Aundipatti to produce Document Nos.5183/2012 and 3668/2014 along with the encumbrance certificate pertaining to the suit property and also seeks issuance of summons to the Tahsildar, Aundipatti to produce the records relating to issuance of patta in favour of the plaintiff.



3. The respondents filed counter opposing the petition contending that the petition has been filed only to protract the proceedings. According to the respondents, the documents sought to be summoned are public documents which are easily available through the online services of the Registration Department and Revenue Department. It is further contended that the petitioner has not taken any independent steps to secure the documents and has straightaway filed the present petition without complying with the mandatory provisions contemplated under the Civil Rules of Practice.

4. Heard both sides and perused the materials available on record.

5. The relief sought in the present petition is for issuance of summons to public officials for production of public documents. At this juncture, it is relevant to refer to Rule 75(3) of the Civil Rules of Practice, which mandates that before applying for summons to produce public records, the party seeking such production shall satisfy the Court that he has applied for certified copies of such documents and that such copies could not be obtained without unreasonable delay or expense. The said provision reads in substance that summons to public officers should not be issued as a matter of course unless necessity is established.

6. In the present case, the petitioner seeks production of registered documents namely Settlement Deed bearing Document No.5183/2012, Partition Deed bearing Document No.3668/2014 and encumbrance certificate pertaining to the suit property. Admittedly, these are public documents maintained by the Registration Department. Certified copies of registered documents and encumbrance certificates are readily obtainable by any interested person through the Registration Department and even through online services made available by the Government. The petitioner has not produced any material to show that he had applied for certified copies of the said documents and that the same were refused or could not be obtained within



reasonable time. In the absence of compliance with Rule 75(3) of the Civil Rules of Practice, this Court is not inclined to issue summons to the Sub-Registrar, Aundipatti.

7. Likewise, in respect of the documents relating to issuance of patta, the petitioner seeks to summon the Tahsildar, Aundipatti. The petitioner has not produced any material to show that he had taken steps to obtain the relevant revenue records through proper channel before approaching this Court. Revenue records relating to patta proceedings are also public documents obtainable under the relevant Revenue Standing Orders and through the competent revenue authorities. Without exhausting the ordinary mode of obtaining such documents, the petitioner cannot seek issuance of summons to public officials as a matter of routine.

8. It is also well settled that the power under Order XVI Rule 6 CPC to summon public officers for production of documents has to be exercised sparingly and only when the Court is satisfied that the documents cannot otherwise be secured by the party despite due diligence. Summoning public officials unnecessarily would not only burden the administration but also delay the progress of the suit proceedings.

9. In the present case, this Court finds that the petitioner has failed to establish the necessity for summoning the Sub-Registrar and Tahsildar. The petitioner has also failed to comply with the mandatory requirement contemplated under Rule 75(3) of the Civil Rules of Practice. Therefore, this Court is of the considered view that the petition is devoid of merits.

Accordingly, this petition is dismissed with a cost of Rs. 500/- payable to the District Legal services Authority, Theni (Indian Overseas Bank, Lakshmipuram Branch, Account No. 104402000000289, IFSC Code: IOBA0001044), failing which, the 1st Defendant side evidence will be closed.



Typed and corrected by me directly in my Laptop, printed by steno-typist and pronounced by me in open court on 01th Day of June 2026.

**District Munsif,
Aundipatti.**

List of Petitioner side witnesses : Nil

List of Petitioner side documents: Nil

List of Respondents side witnesses: Nil

List of Respondents side documents:Nil

**District Munsif,
Aundipatti.**



IA.No.4/2026 in OS.No.24/2024

**District Munsif Court, Aundipatti.
IA.No.4/2026
in
OS. No : 24/2024
Fair/ Draft Order
Dated: 01.06.2026**