

IN THE COURT OF THE DISTRICT MUNSIF, THIRUVOTTIYUR
THIRUVALLUR DISTRICT.

Present: Thiru.R.Revanth., B.A., L.L.B., (Hon's)
District Munsif,
Thiruvottriyur

Monday, this the 30th day of June 2025

I.A. No.5 of 2024
in
O.S.No.42/2021

1. R.Kaliammal
2. R.Imayavarman
3. D.Munusamy

...Petitioners/Defendants

//Vs//

G.Rajalakshmi

....Respondent/Plaintiff

This petition came up on 18.06.2025 for final hearing before me in the presence of Thiru.M.Kamalakannan, Advocate for Petitioners/Defendants and M/s. R.Murugabharathi and N.Vijayakumar and R.Govindasamy Advocates for the Respondent/Plaintiff upon hearing enquiry on both sides and having stood over for consideration till this date, this court made the following:

ORDER

This petition is filed by the Petitioners/Defendants under Order 16 R 1 of CPC r/w 151 of CPC to issue subpoena to the Commissioner Chennai Corporation of Chennai.

2. Brief averments of the petition/affidavit filed by the petitioners/defendants in short are as follows:

The petitioner stated that he is the 2nd petitioner/2nd defendant herein and he was well acquainted with the facts of the case and filing this petition on behalf of the other petitioners/defendants. The respondent/plaintiff has herself created the address of the suit property door No as 81/16A and fabricated all records by forgery with the said fake door number created by her. The petitioner states that to prove the fraud activity by the respondent/plaintiff, it is important to examine the records of the concern office through their authority. The petitioner was filing this petition to examine address details of the suit property by the records of the Chennai Corporation through their authority. Hence this petition.

3. Brief averments of counter filed by the Respondent/Plaintiff in short are as follows:

The respondent stated that the petitioner has filed the above petition with intention to misguide this Honorable court. The petitioner has filed this petition to only drag on the proceeding. The petitioner not even mentioned the single document in this petition to be verified through the concern authority. The petitioner not

mentioned which documents to be verified and explain. The petitioner has not filed this petition properly and only drag on the proceeding. Hence the respondent prays to dismiss the above petition with cost.

4. Now the point for consideration is whether this petition under Order 16 R 1 of CPC r/w 151 of CPC has to be allowed or not?

5. Heard on both sides.

6. The petition, counter and other materials available on records were carefully perused. Both sides have not examined any witness and have not marked any exhibits and documents.

7. Admittedly, the suit is filed for the relief of permanent injunction against the defendant. According to the petitioner/defendant the respondent/plaintiff has filed this suit illegally by all fabricated documents to prove her possession in the suit property and the respondent/plaintiff has herself created the address of the suit property door No as 81/16A and fabricated all records by forgery with the said fake door number created by her. The petitioner states that to prove the fraud activity by the respondent/plaintiff, it is important to examine the records of the concern office through their authority.

8. Per contra, the respondent contended that the petitioner not even mentioned the single document in this petition to be verified through the concern authority. The petitioner has not filed this petition properly and only to drag on the proceeding.

9. The respondent contended that the petitioner without an iota of reason, come forward with this application, which is devoid of merits. In view of the court the petitioner did not mentioned the details of the records which has to be produced. This court cannot issue summons to produce documents when this court do not know the details of the records. Hence in the circumstances this petition is liable to be dismissed.

In the result, this petition is dismissed. No costs.

Dictated directly to the steno-typist, typed by her in the computer, corrected and pronounced by me in open court, this the 30th day of June 2025.

District Munsif,
Thiruvottiyur.

List of exhibits and witnesses on both sides: NIL

District Munsif,
Thiruvottiyur.