

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

PRESENT: Selvi.A.Keerthana, B.A., L.L.B.,
District Munsif, Ponneri.

Tuesday, the 02nd day of September 2025.

INTERLOCUTORY APPLICATION NO.7 OF 2025

in

ORIGINAL SUIT No.115/2013

1. Vasu @ Vasudevan
 2. Venugopal Reddy (Died)
 3. Hemachandra Reddy
 4. Mrs.Lakshmi
 5. Srinivasa Reddy
 6. Mrs.Nirmala
-Petitioners/Defendants

- Vs -

1. Umesh Kumar
 2. D.Lall Keshavar
 3. D.Nirmala
 4. S.Roopavathy
-Respondents/Plaintiffs

This petition came on 19.08.2025 for final hearing before me in the presence of Mr.C.Nagendra Babu, Learned counsel appearing for the petitioners and Mr.R.Kamaraj, Learned counsel appearing for the Respondents. Upon hearing both sides, after perusing the material case records and having stood over for consideration till this day, this Court delivers the following:

ORDER

1. This application has been filed under order 16 Rule 1(3) and Order 16 Rule 7 of Civil Procedure Code Read with Section 151 of Civil Procedure Code to issue witness summons to the Revenue Divisional Officer, Revenue Divisional Office,

Ponneri – 601 204, and to produce the Ponneri Taluk, Vichur Village, S.No.304/2A, 320/1, 320/2, 321/1, 321/2 and 321/3 suit properties some of patta inclusion and some of patta cancellation order copy Na.Ka.3228/2012/A1, dated 19.07.2012 issued in favour of S.Venugopal Reddy and also to give evidence with regard to the above RDO proceedings order copy.

2. Brief averments of the affidavit filed by the petitioners are as follows:

The petitioners are the defendants in the suit. Initially, the petitioners omitted to include this witness and the proof affidavit of DW1. Subsequently, they filed a petition under Order VIII Rule 1A(3) CPC read with Section 151 CPC, along with five documents, seeking to condone the delay in marking the documents in I.A. No. 6/2024. This application was allowed on 29.11.2024. The petitioners submit that while some documents were marked through DW1, the proceedings of the Revenue Divisional Officer (RDO) relating to patta inclusion and patta cancellation for the suit properties in favour of the 2nd and 3rd petitioners/defendants under Na.Ka.3228/2012/A1, dated 19.07.2012, were not marked due to the objection from the plaintiffs' side, as the documents were only xerox copies. Further, the original order copy could not be produced before this Hon'ble Court as it had been misplaced. Therefore, it is just and necessary for this Hon'ble Court to issue a witness summons to the Revenue Divisional Officer, Ponneri, to produce the proceedings related to patta inclusion and patta cancellation in respect of the suit properties situated in Ponneri Taluk, Vichur Village, in Survey Nos. 304/2A, 320/1, 320/2, 321/1, 321/2, and 321/3. These proceedings pertain to the order Na.Ka.3228/2012/A1, dated 19.07.2012, issued in favour of S. Venugopal Reddy (the 3rd petitioner/3rd defendant), and to give evidence with regard to the said RDO proceedings. Hence this petition.

3. Brief averments of the counter filed by the Respondents/Plaintiffs :

It is the case of the respondents/plaintiffs that they had already filed I.A. No. 4 of 2021 for impleading the Tahsildar, Ponneri Taluk, and the Block Development Officer, Sholavaram Panchayat Union, as necessary parties. However, this Hon'ble Court dismissed the said application. The necessary witness in the present case is the Tahsildar, Ponneri Taluk, who had already identified the respondents'/plaintiffs' properties in Survey Nos. 320 and 321, measured the same, subdivided them, and issued Patta No. 3203 in favour of the 1st and 2nd respondents/plaintiffs, and Patta No. 4428 in favour of the 3rd respondent/plaintiff. It is not the Revenue Divisional Officer (RDO) who is relevant in this matter. When a subordinate officer is directly involved and available, the petitioners cannot choose to summon a superior officer who had no role to play in the proceedings related to the present suit. The Srinivasa Nagar Makkal Sangam, through its representative Ms. J. Rajeshwari, filed a writ petition before the Hon'ble High Court of Judicature at Madras in W.P. No. 27061 of 2012, which has been marked as Ex.P15. The respondents further submit that, pursuant to the order passed by the Hon'ble High Court, the 1st to 3rd respondents/plaintiffs obtained pattas in their favour. Therefore, the necessary authority, even as per the High Court and in our earlier I.A., is the Tahsildar, Ponneri Taluk, who passed the proceedings in Na.Ka.26291/2012/AA2 dated 10.02.2013, and not the RDO. Hence, the respondents submit that this I.A. is not maintainable, as the petitioners/defendants, while suppressing the above facts, have chosen to summon an irrelevant official to give evidence. It would be appropriate to summon the Tahsildar, Ponneri Taluk, to produce the necessary documents required by the petitioners/defendants. The respondents submit that, in view of the above facts, the petitioners/defendants, having suppressed all the relevant details, have filed this I.A. after a lapse of many years. If the I.A. seeking to summon the

RDO, Ponneri, is allowed, the respondents will be put to irreparable loss and hardship.

4. Evidence:

Neither the petitioners nor the respondents have placed any oral or documentary evidence before this court.

5. Point for determination :

Whether this petition can be allowed or not?

6. Discussion and Findings:

6.1. Heard. Records perused. This petition filed to issue witness summon to the Revenue Divisional Officer, Ponneri some of the patta inclusion and patta cancellation order copy Na.Ka.No.3228/2012/A1, dated 19.07.2012 issued in favour of S.Venugopal Reddy, and L.Hemachandra Reddy the 3rd petitioner/3rd defendant, 4th petitioner/4th defendant respectively. The present suit has been filed praying for the relief of permanent injunction and it is now in the stage of further defendants side evidence. It is the case of the petitioner that vide I.A.6 of 2024 filed under Order 8 R1A (3) of Civil Procedure Code to receive additional documents the aforesaid document was rejected for the reason as it is the photo copy of the above proceedings. The respondents/plaintiffs objected to this petition stating that already an impleading application was filed under I.A.No.4 of 2024 to implead the Tahsildar of Ponneri and the same was dismissed by this court.

6.2. Upon hearing the rival submissions this court comes to the view that the proceedings in Na.Ka.No.26291/2012/AA2, dated 10.02.2013 which was filed along with this petition is not the one referred by the petitioner in their petition. Na.Ka.No.3228/2012/A1, dated 19.07.2012 was alone received by this court as

additional document. Hence, the said proceedings on verification was passed by Revenue Divisional Officer of Ponneri dated 19.07.2012 and it is a photocopy. Hence this petition is allowed only pertaining to the above proceedings dated 19.07.2012 and not with respect to the proceedings dated 10.02.2013. Moreover, as the suit currently stands at the stage of further evidence on the side of the defendants, allowing this petition becomes essential to ensure a fair and complete adjudication of the matter in dispute. The documents sought to be summoned specifically, the proceedings of the Revenue Divisional Officer under Na.Ka.3228/2012/A1 dated 19.07.2012 are directly relevant to the core issues in the suit, particularly concerning the patta inclusion and cancellation relating to the suit properties. These proceedings are official public records that will aid the Court in ascertaining the true facts surrounding the point in dispute. Denying the opportunity to summon such material evidence would amount to a denial of a fair chance for the defendants to substantiate their case. In light of the above circumstances and in the interest of justice, this court is inclined to allow this petition.

7. Result:

In the result, this Petition is allowed. No costs.

Dictated to the steno-typist, transcribed by her in the desktop, corrected and pronounced by me in the open Court on this 02nd day of September 2025.

District Munsif,
Ponneri.

Both side witnesses and documents:- NIL

District Munsif,
Ponneri.