

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

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

Tuesday, the 27th day of January 2026.

INTERLOCUTORY APPLICATION NOS.9 and 10 of 2025

in

ORIGINAL SUIT No.115/2013

1. Umesh Kumar
2. D.Lall Keshavar
3. D.Nirmala
4. S.Roopavathy

.....Petitioners/Plaintiffs

- Vs -

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

.....Respondents/Defendants

These petitions came up before me for final hearing on 20.01.2026 in the presence of Mr.R.Kamaraj, Learned counsel for the Petitioners/Plaintiffs and Mr.C.Nagendra Babu, Learned counsel for the Respondents/Defendants. Upon hearing both sides, on perusal of the material case records, this Petition having stood over for consideration till this day, this Court delivers the following:

COMMON ORDER

1. **IA.9 of 2025**: 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 Tahsildar, Ponneri and mark issued Patta

No.3203 in favour of 1st and 2nd petitioners/plaintiffs and also regarding Exhibits A-12 Patta No.4428 in favour of 3rd petitioners/Plaintiffs connection with survey Nos.320 and 321 Vichoor village, Ponneri Taluk.

2. **IA.10 of 2025** : This petition has been filed under Section 151 of Civil Procedure Code to reopen the plaintiff's side evidence for summoning the Tahsildar, Ponneri, in the suit is OS.No.115 of 2013.

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

3.1. The petitioners are the plaintiffs in the suit. The respondents/defendants filed an application in I.A. No.7 of 2025 to summon the Revenue Divisional Officer, Ponneri, to give evidence. The said application was allowed, and Exhibit X-1 was marked as the proceedings in Na.Ka.No.3228/2012/A1 dated 19.07.2012. During the cross-examination of the R.D.O., Ponneri, he relied upon the Advocate Commissioner's report filed in I.A. No.1369 of 2005 in O.S. No.256 of 2005 on the file of the Hon'ble District Court with regard to Survey Nos.320 and 321 of Vichoor Village. The R.D.O., Ponneri, stated that based on the Advocate Commissioner's report, Patta Nos.614 and 615 were issued by the Tahsildar, Ponneri Taluk. However, the fact remains that the Advocate Commissioner was appointed only with respect to a suit filed by Narayanan, represented by his power agent Ratchaga Doss, relating to Plot Nos.125/5 and 134/14, measuring 11 cents out of 77 cents in Survey No.320 of Vichoor Village. Therefore, the deposition of the R.D.O. is unreliable and liable to be discarded. The above proceedings have no connection with the petitioners'/plaintiffs' suit schedule properties.

3.2. Thereafter, both Ratchaga Doss and the present respondents 1 and 2 colluded and created a bogus association called "Srinivasa Nagar Kudiyiruppor Podhu Nala Sangam", which filed a suit in O.S. No.103 of 2006 before this Hon'ble Court.

Both cases were compromised, covering only their respective Plot Nos.125/5 and 134/14, and not any other plots. In Srinivasa Nagar layout, there are 194 plots. Several Sangams are functioning in Srinivasa Nagar, including a registered society bearing Registration No.175 of 2005 in the name of “Srinivasa Nagar Makkal Nala Sangam.” All such Sangams function solely for the welfare of residents and do not confer any legal right of ownership over others’ properties. The petitioners had already filed I.A. No.4 of 2021 seeking impleadment of the Tahsildar, Ponneri – 601 204, and the Block Development Officer, Sholavaram Panchayat Union, as necessary parties in the suit. The said application was dismissed with the observation that their presence is not necessary for the proper and effective adjudication of the dispute involved in the suit, and that the petitioners/plaintiffs must prove their case by producing appropriate documents. It was further observed that, if necessary, the proposed defendants could be examined as witnesses. Accordingly, the petition was dismissed without costs.

3.3. Therefore, it is just and necessary to summon the Tahsildar, Ponneri Taluk, who had already identified the petitioners’/plaintiffs’ properties in Survey Nos.320 and 321, measured the same, carried out subdivision, and issued Patta No.3203 in favour of the 1st and 2nd petitioners/plaintiffs, and Patta No.4428 in favour of the 3rd petitioner/plaintiff. The Tahsildar, Ponneri, is a necessary witness to speak about the identification, measurement, subdivision, and issuance of the said pattas. It would be appropriate to summon the Tahsildar, Ponneri, to mark Patta No.3203 issued in favour of the 1st and 2nd petitioners/plaintiffs and to give evidence regarding Exhibit A-12, Patta No.4428, issued in favour of the 3rd petitioner/plaintiff, in connection with Survey Nos.320 and 321 of Vichoor Village, Ponneri Taluk, along with the requisite documents. Hence, this petition.

4. Brief averments of the counter filed by the 1st Respondent and adopted by 2nd to 6th respondents are as follows :

The respondents submit that at the stage of arguments, the plaintiff cannot file only a reopen and witness summons petition as a matter of right and re-opening of evidence is not automatic and recall of witness evidence on the side plaintiffs is mandatory in accordance with law. The respondent submit that without filing recall the plaintiff side further witness and without recalling the earlier stage of evidence under XVIII Rule 17 CPC, this two petitions of re-open and witness summons are not valid in accordance with law. At this belated stage, the petitioner has filed this present two petition with the sole intention and filling up lacuna in the evidence already adduced. Further the petitioner trying to improve the plaintiff's case and trying to rectify weakness exposed during trail and this attempt barred by settled principles of law. Further this respondent submits that only to drag on the suit proceedings, this two petitions filed by the petitioner are not maintainable in accordance with law. Hence prays for dismissal of this petition.

5. Evidence:

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

6. Point for determination :

Whether these petitions can be allowed or not?

7. Discussion and Findings:

7.1. Heard the learned counsel on either side and perused the records. The present petitions have been filed seeking issuance of a witness summons to the Tahsildar, Ponneri Taluk. The petitioners/plaintiffs contend that they had earlier filed I.A.

No.4 of 2021 seeking to implead the Tahsildar and the Block Development Officer as parties to the suit, which came to be dismissed. According to the petitioners, in view of the dismissal of the said application, it has now become necessary to summon the Tahsildar as a witness to substantiate their case.

7.2. It is pertinent to note that the petitioners had earlier filed I.A. No.7 of 2025, seeking to summon the Revenue Divisional Officer, Ponneri, which application was allowed. Pursuant thereto, the Revenue Divisional Officer was examined as DW-2, and Ex.X-1 was marked through him. The said witness was cross-examined in detail by the learned counsel for the petitioners. During such cross-examination, the Revenue Divisional Officer deposed that based on the report of the Advocate Commissioner filed in O.S. No.256 of 2005, Patta Nos.614 and 615 were issued by the Tahsildar. Relying on the said deposition, the petitioners have now filed the present application seeking to summon the Tahsildar and, for that purpose, to reopen the plaintiffs' side evidence.

7.3. Per contra, the respondents/defendants have objected to the present petition contending that it has been filed only to fill up the lacuna in the petitioners' case. It is further contended that the suit is already at the stage of arguments and that, without seeking recall of witnesses, a petition for reopening evidence alone is not maintainable. According to the respondents, the petitioners were already afforded sufficient opportunity to adduce evidence and cross-examine the Revenue Divisional Officer, and the present application does not serve any useful purpose.

7.4. This Court has carefully considered the rival submissions and perused the records. The suit is of the year 2013 and is presently at the stage of final arguments. It is evident from the records that the petitioners were already granted an opportunity to summon and cross-examine the Revenue Divisional Officer, who is

a superior officer in rank to the Tahsildar. The petitioners have also marked documents through the said witness. Having availed such opportunity, the petitioners cannot now seek to reopen the evidence to examine another official on the same issue, particularly when the suit has reached an advanced stage.

7.5. The claim of the petitioners relating to the issuance of pattas and the evidentiary value of the deposition of the Revenue Divisional Officer can very well be considered and adjudicated at the time of final disposal of the suit, after hearing the arguments of both sides. Allowing the present application at this stage would only result in prolonging the proceedings and would not advance the cause of justice. In view of the above facts and circumstances, and considering the stage of the suit, this Court is of the considered opinion that the present petition lacks merit and is liable to be dismissed.

8. Result:

IA.9 of 2025 : In the result, this Petition is dismissed. No costs.

IA.10 of 2025 : In the result, this Petition is dismissed. No costs.

Dictated to the steno-typist, dictated and typed by her in the desktop, corrected and pronounced by me in the open Court on this 27th day of January 2026.

District Munsif,
Ponneri.

Both side witnesses and documents:- NIL

District Munsif,
Ponneri.

Fair/ Draft Order
I.A.No.9 & 10/2025
O.S.No.115/2013
Date:27.01.2026
DMC,PNI