

IN THE COURT OF THE DISTRICT MUNSIF, TIRUTTANI

Present : Tmt. R.D. Gurulakshmi, M.A., M.L., P.G.D.I & C.L.,

District Munsif, Tiruttani.

Dated the Thursday of 5th Day of February 2026

IA.No.6 OF 2025 in OS.No.2 OF 2022

(CNR.No.TNTR21-000040-2024)

...

T. Venkatesulu

... Petitioner/ Defendant

/Versus/

K. Nararyan

...Respondent/ Defendant

This petition came up before me for the final hearing on 27.01.2026 in the presence of M/s. G. Kamala Kannan, J. Satheesh, K.S. Vinoth, T. Krishnakumar, M.Bharat ram, Advocates for Petitioner/Defendant, M/s. P.S. Parthasarathy, V.K.Varshini, Advocates for Respondent/Plaintiff. Upon hearing both side and having stood over for consideration till this day, this court delivered the following:

ORDER

This petition is filed under Order 12 Rule 8 of CPC to the respondent produce the petition mentioned documents.

1. The averments of the petition in brief are as follows:-

The respondent filed the suit against the petitioner for recovery of money. The petitioner averred in his written statement about the petition annexed documents which is in the hands and custody of the respondent. The respondent also admitted in his cross examination that the complete bank transactions were done by him alone on behalf of his son and said Krishnammal. So it is utmost required to the petitioner's case. Hence the respondent has to produce the petition mentioned documents. Therefore this petition is filed.

2. The counter filed on behalf of the Respondent in brief:-

This petition is not maintainable either in law or on facts of the case. The suit is based on the execution of promissory note in favour of plaintiff. As the defendant failed to repay the borrowed amount the plaintiff filed this suit. The documents asked by the petitioner has nothing to do with the above transaction. Premkumar is the major son of plaintiff. Krishnamma is the wife of plaintiff. The

account book, pass port etc., of the Premkumar is in the personal custody of Premkumar. Similarly the account book of Krishnamma is in her custody. The above said documents are their personal documents. They are not in the custody of the respondent/plaintiff. The petitioner cannot ask the respondent to produce the bank account books of his wife and son. The respondent/plaintiff is not in custody of the documents required by the petitioner. The respondent expresses his inability to produce those documents. There is no merits in the petition. This application is filed to protract the proceedings. Hence the petition is liable to be dismissed.

3. Point for determination:

Whether the petitioner is entitled to the relief as sought for? or not?

4. Heard both side. According to petitioner, the petition annexed documents are in the hands and custody of the respondent. The respondent also admitted the same in his cross examination, that the complete bank transactions were done by respondent on behalf of his son and Krishnammal. So it is utmost required to the petitioner's case. Therefore the counsel for petitioner prays to allow this petition.

5. Respondent resisted the petition by contending that the documents asked by the petitioner has nothing to do with this suit transaction. The petitioner mentioned documents are not in the custody of this respondent/plaintiff. The petitioner cannot ask this respondent to produce the bank account books of respondent's wife and Passport, visa, bank account books of this respondent's son. There is no merits in the petition. This application is filed to protract the proceedings. Hence the counsel for respondent prays to dismiss this petition. Written argument notes filed on the side of respondent.

6. On perusal of records, this case was posted for defendant side evidence. At the stage this petition was filed by the petitioner. Petitioner/defendant contended that the petition annexed original documents are in the hands and custody of the respondent. The respondent/plaintiff in his evidence he deposed as follows:-

"என் மகன் பெயர் என்ன என்றால் பிரேம் குமார் ஆகும். பிரேம்குமாருக்கு ஆக்சிஸ் வங்கியில் கணக்கு உள்ளது என்றால் சரிதான். பிரேம் குமாரின் வங்கி பரிவர்த்தனை எனக்கு தெரியும் என்றால் சரிதான். அந்த

பரிவர்த்தனைகளை நான்தான் செய்கிறேன்."

The respondent not admitted in his deposition that the petition mentioned documents are in his custody. He only deposed as the transaction was done by him. Further the petition mentioned documents are related to the third parties of this suit. The said Premkumar and Krishnammal are not a parties in this case. Petitioner cannot request this respondent to produce the documents which is not belonged to the respondent. Petitioner filed this vexatious petition to drag on the case. This case adjourned from 13.10.2025 to till date for defendant side evidence. Petitioner/Defendant not ready to get into the box to the past 4 months. There is no bonafide merits in this case. Hence, this court is of view that this petition has to be dismissed.

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

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 5th day of February 2026.

District Munsif,
Tiruttani.

Petitioner and Respondent side Exhibits and witness: NIL

District Munsif,
Tiruttani.