

**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 Friday of 23<sup>rd</sup> Day of January 2026

I.A.No.5/2025 in OS.No.113/2012

(CNR.No.TNTR21-000019-2019)

K. Venkatesan

...Petitioner/Plaintiff

/Vs/

1. K. Jayapal

...Respondent/ Defendant

This petition came up before me for the final hearing on 09.01.2026 in the presence of M/s. K.V. Ravi, Counsel for petitioner, M/s. V. Kishore reddy, E. Vijayakumar and A. Akila, Counsels for Respondent. Upon hearing both sides and perusing records, having stood over for consideration till this day, this court delivered the following:

**ORDER**

This petition is filed under Section 75(2) of Civil Rules of Practice to issue the witness summon to the Tahsildar, Tiruttani to produced the FMB copies (current and before 1984 UDR scheme) for S.Nos.215/8, 215/9, 218/5A, 215/7A and 215/7B.

**1. The averments by petitioner in brief:-**

The Petitioner filed the suit for declaration and permanent injunction against the respondent. The petitioner filed a application for appointment of an Advocates Commissioner along with Surveyor to inspect the suit property. The petitioner furnished a work memo directing them to ascertain the correct extent of the suit property in S.No.215/8 and 215/9 and to furnish the present FMB copies as well as the FMB copies prior to the UDR scheme of 1984 for the S.Nos.215/8, 215/9, 218/5A, 215/7A and 215/7B along with their report. The Advocate Commissioner and the Surveyor have not complied with these directions. The said official records are crucial to establish this petitioner's title in the suit property. These documents must be produced before this court by the Tahsildar, Tiruttani. Hence, the petitioner filed this petition to issue summon to the Tahsildar, Tiruttani to produced the said

documents.

**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 allegations in para 2 of the petition are true and admitted by this respondent. The allegations in para 3 of the petition are partly correct and partly incorrect. The allegations that the Advocate Commissioner along with Surveyor has not complied with the directions mentioned in work memo are all false and denied by the respondent. This petition is highly belated one. There is no bonafides and no merits in this petition. Hence this petition is liable to be dismissed.

**3. Point for determination:**

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

4. Heard both side. According to petitioner, the present FMB copies and the FMB copies before the UDR scheme of 1984 for the S.Nos.215/8, 215/9, 218/5A, 215/7A and 215/7B are crucial to establish this petitioner's case. Hence the petitioners pray to allow this petition. The Respondent resisted the petition by contending that this petition is highly belated one. There is no bonafides and no merits in this petition. Hence, the respondent prays to dismiss the petition.

5. On perusal of records, this case was posted for plaintiff side further evidence. In this stage the petitioner filed this petition seeking permission to issue the witness summon to the Tahsildar, Tiruttani. The petitioner prays this court to direct the Tahsildar, Tiruttani to produce the petition mentioned documents. The petitioner cannot seek remedy through this petition without approaching competent authority. Since the petition mentioned documents are public documents and that one easily obtained from the competent authority, this application presented for seeking to summon the Tahsildar, Tiruttani is absolutely unnecessary and has been filed to drag on the proceedings. More over, this Court relied upon a judgment in S. Arumugamsamy Vs. C.M. Raju on 8 January 2019 held that,

"Under 2 Rule 75 Sub Clause (3) of Civil Rules of Practice mandates that in case an applicant intends to summon a Public Officer, it will satisfy itself that the applicant has made an application for certified copies of the said

documents and only when such certified copies have not been issued, the Court shall issue such summons. In the instant case, there is no reason adduced in the application as to the necessity for summoning the Tahsildar ad for letting in evidence with regard to the public documents and they are no averments the petitioner had filed the application seeking produce the public documents. That being the case, the petitioner may not be justified in seeking summoning the Tahsildar for proving his case."

6. As per the above said judgment the petitioner is not entitled to summon the Tahsildar, Tiruttani to prove his case without obtaining the copies of public documents by following proper procedure. Without taking steps to obtain copies by following proper procedure, this petitioner wantedly filed this petition to drag on the proceedings. The suit was filed in the year 2012 and pending for more than 14 years. Hence considering the facts and circumstance, this petition is liable 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 23<sup>rd</sup> day of January 2026.

District Munsif,  
Tiruttani.

Petitioners and Respondents side Exhibits and witness: NIL

District Munsif,  
Tiruttani.