

**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 Tuesday of 19<sup>th</sup> Day of August 2025

I.A.No.8/2025 in OS.No.85/2018

(CNR.No.TNTR21-000094-2018)

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Periabban

... Petitioner / Plaintiff

/Versus/

1. Kiliammal (died)
2. Eswari @ Devi
3. Karunakarn
4. Tamil Nadu State, The District collector, Tiruvallur.
5. The Tahsildar, Tiruttani
6. The Revenue Divisional Officer, Tiruttani
7. The Sub-Registrar, Tiruvelangadu

...Respondents/ Defendants

This petition came up before me for the final hearing on 07.08.2025 in the presence of M/s. P.C. Santhya Rani, B. Chandrean, Advocates for Petitioner, 1st Respondent died, M/s. R. Srinivasan, R. Rajeshwara Babu, P. Praveena, Advocates for 2nd, 3rd Respondents, Government Pleader for R4 to R7, counter not filed and hence R4 to R7 were set exparty. Upon hearing both sides and having stood over for consideration till this day, this court delivered the following:

**ORDER**

This petition is filed under Section 151 of CPC to reopen the plaintiff side evidence.

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

The case was posted for argument. The plaintiff side evidence closed on 21.08.2024. The 2<sup>nd</sup> and 3<sup>rd</sup> defendants evidence closed on 03.04.2025. The 4 to 7 defendants have not come chosen to give evidence and their evidence closed on 30.04.2025. The suit property originally belonged to one Thotti Samaiah @ Vadakkaih in S.No.138/6 to an extent of 0.57 cents. The patta also stands in the name of Thotti Samaiah @ Vadakkaih. The patta No is 885 and he had three sons namely Chittirai, Kollapuri and Arasan. The 5<sup>th</sup> defendant filed written statement on

29.01.2021. In that written statement in Para No.4 it is mentioned as the patta for the suit property for an extent of 57 cents. The 1 and 2 defendants produced the death certificate and legalheirship certificate of Arasan. The patta for the suit property was changed in the name of defendants 1 and 2 who are the legalheirs of deceased Arasan. The 1 and 2 defendants also said that after verification of documents spot inspection and full pledged enquiry the patta was changed in the name of 1 and 2 defendants. The 5<sup>th</sup> defendant was wrongly transferred the patta No.885 from the name of Thotti Samaiah @ Vadakkaih to in the name of 1 and 2 defendants. The 1 and 2 defendants are not the legal heirs of Thotti Samaiah @ Vadakkaih. Hence, the petitioner wants to examine the 5<sup>th</sup> defendant by producing documents and oral evidence. The petitioner wants to issue summons to the 5<sup>th</sup> defendant to give oral evidence and to produce relevant documents related to patta transferred in the name of 1 and 2 defendant. Hence the petitioner filed this petition for reopen the case on his side.

**2. The counter filed on behalf of the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents in brief:-**

This petition is not maintainable either in law or on facts of the case. The petition is highly belated one. At the stage of argument the petition filed only to drag on the proceedings. The 5<sup>th</sup> defendant has already filed the written statement in detailed manner. The 5<sup>th</sup> defendant can be called as plaintiff side evidence. The reasons for filing this petition is unnecessary and explanation is not maintainable. The acts of the petitioner intention is only to drag on the proceedings. The petitioner wants to put the respondent on struggle with false suit. Hence the petition is liable to be dismissed.

**3. Point for determination:**

Whether the petitioners are entitled to the relief of as prayed for? or not?

4. Heard both side. According to petitioner, the suit property originally belonged to one Thotti Samaiah @ Vadakkaih. The patta also stands in the name of Thotti Samaiah @ Vadakkaih in patta No.885. Thotti Samaiah @ Vadakkaih had three sons namely Chittirai, Kollapuri and Arasan. The patta for the suit property was changed in the name of defendants 1 and 2 who are the legalheirs of deceased Arasan. The 5<sup>th</sup> defendant was wrongly transferred the patta No.885 from the name of Thotti

Samaiah @ Vadakkaih to directly in the name of 1 and 2 defendants. The 1 and 2 defendants are not the legal heirs of Thotti Samaiah @ Vadakkaih. Therefore, the petitioner wants to examine the 5<sup>th</sup> defendant regarding the patta transfer by producing documents and adducing oral evidence. Hence the petitioner prays to allow this petition. The 2,3 Respondents resisted this petition by contending that this petition is highly belated one. At the stage of argument this petition filed by the petitioner only to drag on the proceedings. The 5<sup>th</sup> defendant had already filed the written statement in detailed manner. The 5<sup>th</sup> defendant who is the contesting defendant can not be called as a plaintiff side witness. Hence, the respondents pray to dismiss the petition.

5. On perusal of records, at the stage of arguments this petition was filed. In this case Pw1 Chief examined on 26.11.2021 and posted for chief continuation of PW1. From 12.01.2022 to 18.07.2024 this case adjourned for chief continuation of PW1. In the mean time petition in I.A.No.2/2021 filed to receive the additional documents and the same was allowed on 19.06.2024. Further on 22.07.2024 Pw1 cross examined and adjourned for further plaintiff side evidence. On 05.08.2024 Pw2 examined in chief and cross examined on 09.08.2024. This case was adjourned from 21.08.2024 for defendant side evidence. On 21.09.2024 Dw1 examined in chief and adjourned for chief continuation to 25.09.2024. From 25.09.2024 to 03.12.2024 Dw1 not ready for further examination in chief, hence Dw1 chief closed on 03.12.2024.

6. As per the order in IA.No.6/2024 Dw1 was recalled and further examined in chief on 20.01.2025. On 10.02.2025 Dw1 cross examination completed and this case was adjourned to 17.02.2025 for further Defendant side evidence. On 17.02.2025 Dw2 examined in chief and cross examined on 25.02.2025, 19.03.2025. On 19.03.2025 this case was posted to 26.03.2025 for further defendant side evidence. On 26.03.2025, 03.04.2025, 15.04.2025, 30.04.2025 this case was posted for further defendant side evidence. On 30.04.2025 the defendant side evidence closed and this case was posted to 13.06.2025 for argument. In this stage this

petitioner filed this petition for reopen the case, without any valid reasons.

7. On perusal of records, at the stage of arguments this petition was filed. The petitioner stated that to prove his case he want to examine Tahsildar to depose and to produce the documents in respect of patta transfer. But the respondent filed his counter and stated that the petitioner has no bonafide merits to examine Tahsildar, Tiruttani and he is unnecessary witness to this case. Only the petitioner has to produce the public documents after obtaining certified copies. The petitioner cannot seek remedy without approaching competent authority. Since the petition mentioned documents are public documents and that one easily obtained from the competent authority, this application to reopen the plaintiff side evidence for seeking to summoning 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."

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. The suit was filed in the year 2018 and pending for more than 7 years. Hence considering the age of the suit 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 19<sup>th</sup> day of August 2025.

District Munsif,  
Tiruttani.

Petitioner and Respondents side Exhibits and witness: NIL

District Munsif,  
Tiruttani.