

I.A.20/26 in O.S.103/2015**Dated: 27.02.2026****Order Pronounced.**

This petition has been filed by the Petitioner/Plaintiff under Order XVI Rule 1 read with Section 151 of the Code of Civil Procedure seeking issuance of witness summons to the Sub-Registrar, Idaikal, to depose regarding the registration procedures relating to a General Power of Attorney dated 29.12.1995 and a Sale Deed dated 10.01.1996.

The learned counsel for the Petitioner submitted that the original suit has been instituted for eviction of the respondents from the suit schedule property, for delivery of vacant possession, and for recovery of arrears of rent amounting to Rs.7,000/- for the period from 05.05.2014 to 05.07.2015, together with future rent at the rate of Rs.500/- per month till delivery of possession. It was further contended that since the evidence on the side of the Plaintiff has already been concluded and the defendants, in their written statement, have alleged that the General

Power of Attorney and Sale Deed relied upon by the Plaintiff are false and fraudulent, it has become necessary to summon the Sub-Registrar, Idaikal, along with the relevant records. According to the Petitioner, such examination is required to establish that the documents were duly registered in accordance with law and to clarify the procedure followed at the time of registration.

Per contra, the learned counsel appearing for the 3rd, 4th, and 6th to 8th Respondents/Defendants contended that the proposed evidence is wholly unnecessary. It was argued that there is no legal mandate to examine the registering authority in order to prove a registered document. The genuineness and validity of the documents, as well as the circumstances surrounding their execution, can be established only through the parties to the documents or other competent witnesses, and not through the registration officer. It was further submitted that the present petition has been filed at a belated stage with an intention to protract the

proceedings and hence deserves dismissal.

Upon hearing the submissions made on either side and on perusal of the entire records, this Court finds that the suit has already reached the final stage of trial and the evidence on the side of the Plaintiff stands closed. At this juncture, the Petitioner has not placed any compelling or legally sustainable material to demonstrate that examination of the Sub-Registrar is indispensable for proper adjudication of the issues involved in the suit.

It is a settled position of law that the Registration Department functions strictly in accordance with the provisions of the Tamil Nadu Registration Act and the Registration Rules framed thereunder. The procedure relating to presentation, admission, identification, and registration of documents is statutorily prescribed. A plain reading of the Act and the Rules would sufficiently disclose the manner in which a General Power of Attorney or Sale Deed is registered. Therefore, summoning the Sub-Registrar merely to

speak about the general procedure of registration is unnecessary.

Further, the genuineness, validity, and due execution of the documents in question, as well as the circumstances under which they were executed, must be established through the testimony of the executants, attesting witnesses, or other competent witnesses, as contemplated under the Evidence Act. The registering authority is not a witness to the transaction in its substantive sense and cannot depose regarding the truthfulness of the recitals or the voluntariness of execution beyond the limited act of registration.

In such circumstances, this Court is of the considered view that the proposed examination of the Sub-Registrar is neither essential nor legally warranted, and the petition lacks merit.

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

**District Munisf,
Shencottai**