

IN THE COURT OF THE DISTRICT MUNSIF, VANIYAMBADI,

Present: Thiru V.ESHWAR, B.E.,LL.B.,
DISTRICT MUNSIF, VANIYAMBADI

Dated this the 14th day of August, 2025

I.A. No. 04/2025

in

O.S. No. 36/2020

- 1.Vasanth
2. Vijaya kumar

...Petitioners/1st, 4th Defendants

Vs

1. Sagadevan @ Sagadeva Goundar
2. Govindaraji

.....Respondents/Plaintiffs

This petition is having been taken on file on 03.07.2025 and came before me for final hearing on 14.08.2025 in the presence of Mr. A.C.Devakumar, Advocate for Petitioners and Mr. K.Umar, Advocate for Respondents, after this petition having stood over under this court consideration and upon perusing the records and hearing the arguments, this court this day delivered the following:

ORDER

1. This petition has been filed U/o.16 R-1(2) of Civil Procedure Code, by the petitioners seeking an order to summon the Village Administrative Officer of Ambalur to produce revenue records concerning the suit property and adjacent properties and to give evidence thereon.

Averments in the Petition in brief:

2. The petitioners, who are the 1st and 4th defendants in the main suit, contend that the respondents/plaintiffs have instituted a vexatious suit against them concerning the suit property. They have filed their written statement, and the suit is currently at the stage of evidence on their side (DWs). During their evidence, they have marked documents, namely Ex.B1 to Ex.B3, which include revenue records, receipts for 'Thandatheervai' (penal levy) for enjoyment of adjacent poramboke land, and land tax receipts for their own land. The petitioners assert that in order to conclusively prove the contents and authenticity of these documents, it is imperative to examine the concerned Village Administrative Officer (VAO) of Ambalur. They plead that summoning the VAO to produce the parent revenue records and to depose as a witness is essential for a complete and final adjudication of the dispute. Hence, they pray for an order to summon the VAO of Ambalur.

Averments in the Counter in brief:

3. The respondents/plaintiffs vehemently oppose the petition, stating it is not maintainable either in law or on facts. They contend that the petitioners' stated intention to prove Ex.B1 to Ex.B3 through the VAO is a mere pretext to prolong the proceedings, as they allegedly have no substantial defence in the main suit. It is further submitted that the petitioners are attempting to introduce an issue concerning poramboke land, which is not the subject matter of the main suit. The respondents argue that since no prayer has been made in the suit regarding the poramboke land and no issues have been framed in that respect, any evidence sought to be adduced on this aspect is irrelevant and impermissible. They conclude that the petition is devoid of merit and has been filed solely as a dilatory tactic, and therefore, it should be dismissed with exemplary costs.

Arguments Advanced:

4. The learned counsel for the petitioners reiterated the averments made in the petition, emphasizing that the examination of the VAO is crucial for the court to appreciate the revenue documents on record and to arrive at a just decision. Conversely, the learned counsel for the respondents argued that the petition is a veiled attempt to collect evidence on matters extraneous to the suit. He forcefully contended that evidence cannot be let in on issues not framed by the court, particularly concerning the poramboke land, and submitted that the petition is a classic example of a delaying tactic.

Point for Consideration:

5. The sole point that arises for this court's consideration is:

Whether the petitioners have made out a sufficient cause to summon the Village Administrative Officer of Ambalur for the purpose of producing documents and giving evidence, and whether this petition ought to be allowed?

Discussion and Findings:

6. The main suit, O.S. No. 36/2020, is currently posted for the evidence of the defendants' witnesses (DWs). The petitioners/defendants seek to summon the Village Administrative Officer (VAO) of Ambalur to produce revenue records and testify regarding the suit property and an adjacent poramboke land, for which they have already marked a 'Thandatheervai' receipt as Ex.B3.

7. The primary objection of the respondents/plaintiffs is that the poramboke land is not a subject matter of the suit, and thus any evidence related to it is irrelevant. While it is a settled principle that evidence must be confined to the matters in issue, the rules of evidence and procedure are ultimately handmaidens to justice. The court must endeavour to obtain all relevant information to arrive at a complete and just decision.

8. In disputes concerning immovable properties, the question of identity, boundaries, and long-standing possession are often intertwined. The petitioners' case appears to be that their possession of the suit property is linked to their enjoyment of the adjacent poramboke land. The document Ex.B3, a receipt for a 'Thandatheervai' (penal levy), *prima facie* points towards some form of enjoyment of government land by the petitioners. Allowing the petitioners to examine the VAO on this aspect is essential for them to explain the context of this document, which is already on record. Shutting out this evidence at this stage would be premature and could prejudice the petitioners' right to present their defence effectively.

9. Furthermore, the nature and status of an adjoining property can often serve as a crucial landmark for identifying the boundaries of the suit property itself. The evidence of the VAO concerning the revenue classification and position of the adjacent poramboke land may, therefore, have a direct bearing on the issue of identification of the suit property.

10. This court is mindful of the respondents' apprehension that such an examination may be a dilatory tactic. However, the search for truth must be the paramount consideration. It is always open to the court to assess the probative value and relevance of the evidence at the time of final judgment. To shut out evidence on the ground of technicalities, when it may have a bearing on the substantive issues of

possession and identity, would not serve the interests of justice. The procedural law is intended to facilitate justice, not to thwart it. Any potential delay can be mitigated by directing the petitioners to proceed with the examination of the witness without seeking undue adjournments.

11. For the foregoing reasons, this court is of the view that a fair and complete opportunity ought to be given to the petitioners to adduce the evidence they deem necessary for their defence.

Result:

12. In the result, this petition is **allowed**. No costs.

Directly typed by me in my official laptop, corrected by me, and pronounced in open court on this day, the 14th of August, 2025.

**DISTRICT MUNSIF,
VANIYAMBADI.**

ANNEXURE

Both side Witnesses Examined: Nil

Both side Documents Marked: Nil

**DISTRICT MUNSIF,
VANIYAMBADI.**