

IN THE COURT OF DISTRICT MUNSIF, GUDIYATTAM,
VELLORE DISTRICT.

Present: **Tr.K.Karthick Asath, B.A.,B.L.,(Hons),LLM.,**
District Munsif,
Gudiyattam.

Friday, this the 05th day of December 2025

I.A. 04/2025
in
O.S.No. 31/2017

1. Pownammal
2. Santhakumari
3. Somasundaram

.... Petitioners/ Respondents

// Versus //

1. Natarajan
2. Municipal Commissioner,
Gudiyatham Panchayat Union
3. The Tahsildar, Gudiyatham
4. The District Collector, Vellore
5. Forest Ranger, Gudiyatham.

.... Respondents/ plaintiff/Defendants

This petition came up on 16.10.2025 before me for final hearing in the presence of Thiru.A.Magesh, Advocate for Petitioners and Thiru.B.Balakumaran, Advocate for the 1st respondent and Thiru.K.Loganathan, Advocate for the respondents 2 to 5 and upon perusing the case records and having stood over for consideration till this day this court delivered the following.

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Order

Petition filed under Order 16, Rule 7 and Section 151 of Code of Civil Procedure to issue the witness summon to the Forest officer, Gudiyatham and pass such other orders.

1. The averments of the petitioners in the application:-

The petitioner submit that it is necessary to examine the 7th defendant by summoning him for produce certain documents from the Forest office. The 7th defendant summoned by the Hon'ble High Court in Writ case for proving the Writ particulars he has to be examined. The petitioners has to prove boundaries of the suit property hence prayed to summon the 7th defendant. Otherwise the petitioner would be put to great loss and hardship. If the petition is allowed, there is no prejudice caused to other side.

2. The averments of the counter filed by the 1st respondent:-

The 1st respondent vehemently denies the averments and allegations contained in the affidavit filed in support of the above I.A. are false, frivolous, and wholly denied by the respondent. The 7th defendant is a party to the suit hence not needed to summoning him. The 7th defendant himself will file necessary documents. The petitioners failed to state a Writ petition particulars in the petition. The petitioners obtained ex parte decree and settled the Government property in favour of 2nd defendant. Only with rival intention the petitioners filed this petition to harass the 1st respondent. Allowing such an application would cause undue delay and prejudice to the

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respondents. therefore the above petition is devoid of merits, misconceived in law, and liable to be dismissed with exemplary costs.

3. The averments of the counter filed by the 5th respondent:-

(Adopted 2 to 4 respondents)

The respondent submits that the petitioner has seeking permission to examination of the forest officer, Gudiyattam to appear to answer about Hon'ble Chennai High Court Writ petition and for proving Forest boundary and survey number. The respondent submits that there is no valid and sufficient reason in the present application and filed the same with bald allegations in order to drag the proceedings and harass this respondent. The reasons stated in the affidavit by the petitioners are not correct and the same was invented for the purpose of filing the present suit. In this affidavit not mentioned Writ petition number and particular. The petitioners are adopted the technicality and thereby filed the present petition with false and baseless allegations. Now only in order to drag the proceedings and harass this respondent filed the present petition with false and baseless allegations. The respondent submit that the above said Forest officer, Gudiyattam is the 7th defendant in the suit, hence the petitioner has cannot compelled to give evidence on the side of the petitioner as her witness in the above said case. Hence the present petition is not at all maintainable under law.

4. Both side failed to make their submissions.

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5. Point for consideration:-

Whether this application is liable to be allowed ?

6. Evidence:-

Neither of the parties to this application have adduced any oral or documentary evidence.

7. Discussion:-

On considering the submissions made by the both counsels and perusing the available records this court delineate and proceeds its findings based on the following discussion.

7.1. The petitioner is the 1st defendant in the suit. The 1st respondent filed suit against the petitioners and respondents 2 to 5 for claiming easementary right over the B schedule mentioned property. While the suit pending for defendants side evidence, the petitioners filed this petition to summon the Forest Officers/7th defendant to examine as a witness for defendants 1 to 3. The reasons stated by the petitioners is that in a Writ petition the 7th defendant was summoned by the Hon'ble High Court for proving the Writ details summoning the 7th defendant is necessary.

7.2. Per contra the respondent/plaintiff filed counter and objected that the 7th defendant already party to the suit hence he can file documents for proving this case, the request of defendants 1 to 3 to summon the 7th defendant is not maintainable and the petitioners failed to mention about the Writ details in the petition. Only with intent to prolong the case and

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harass the 1st respondent this petition is filed by the petitioners. The 7th defendant namely Forest ranger himself filed counter and stated that this petition failed to mention about the Writ number and particulars in the petition. He further submitted that the forest ranger is the 7th defendant in the suit hence the petitioner cannot compel the 7th defendant to give evidence on the side of petitioners/defendants 1 to 3 hence prayed to dismiss the petition.

7.3. On perusing the petition the petitioners filed this petition by stating to examine the 7th defendant to prove the Writ details filed before the Hon'ble High Court. On perusing the petition there is no specific reason stated in the petition for what purpose they has to examine the 7th defendant. In the petition the petitioners failed to mention about the Writ petition details which have to be furnished by the 7th defendant. The 7th defendant already appeared through Government Pleader and contested the suit hence the prayer seeking to examine other party to the suit is not considerable while their side evidence are not yet closed, hence it is a pre mature petition at this stage. On perusal the suit is pending for more than 8 years, while the suit is pending for defendant side evidence from 17.03.2025 the petitioners/defendants 1 to 3 without examining themselves as witness only with intent to prolong the suit filed this petition without reasons. On considering the above discussion the petitioner failed to disclose sufficient cause for summon the 7th defendant as a witness on the side of defendants 1 to 3/petitioners. Hence this court not inclined to allow this petition.

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8. Result:-

As a result this petition is dismissed without cost.

Dictated to Steno typist directly, typed by him corrected and pronounced by me in the open Court on this the 05th day of December 2025.

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Petitioner side Witnesses and Exhibits :- Nil

Respondent side Witnesses and Exhibits :- Nil

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