

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

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

Thursday, this the 05th day of March 2026

I.A. 05/2026
in
O.S.No.31/2017

1. Pownammal
2. Santhakumari
3. Soma Sundaram
4. The Commissioner, Panchayat Union
5. The District Collector
6. The Tahsildar
7. The Forest Officer

.... Petitioners/ Defendants

// Versus //

Natarajan

.... Respondent/ Plaintiff

This petition came up on 07.02.2026 before me for final hearing in the presence of Thiru.A.Magesh, Advocate for Petitioners and Thiru.B.Balakumaran, Advocate for the respondent and upon perusing the case records and having stood over for consideration till this day this court delivered the following.

ORDER

Petition filed under Order 8, Rule 1(3) and Section 151 of Code of Civil Procedure to receive the document i.e., writ petition No.2982/2023 and mark the above document in this suit and pass necessary order.

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

The petitioners stated that regarding the suit property one Sivasankar filed writ petition No.2982/2023 before the Hon'ble High Court of Madras. In the writ petition advocate commissioner appointed and he filed report stating that the property was not able to measure properly and the revenue departments are not produced necessary documents. That report now only received by the defendants hence for proving their case it is necessary to receive those documents.

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

The respondent filed counter stating that only to mislead this court this petition is filed. Based on the exparte decree the 1st petitioner settled the government land infavour of the 3rd petitioner on 09.01.2015 only to drag the property. The respondent has no way to reach his house except the suit property on that he claimed for easementry right. In the advocate commissioner report he was not stated that the suit property is not belonging to the government property. He only stated that the revenue officials not properly submitted the records hence the report is not relevant to this case and for the relief claimed before this court hence prayed to dismiss the petition.

3. Both side enquiry heard.

4. Point for consideration:-

Whether this application is liable to be allowed ?

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5. Evidence:-

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

6. 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.

6.1. The petitioners are the defendants in the main suit. The respondent is the plaintiff in the main suit. The respondent filed suit for easementary right of the B schedule suit property and for permanent injunction. While the suit posted for defendants 1 to 3 side evidence. The petitioners filed the present petition for receiving additional documents. In the petition the petitioners stated that regarding the suit property one Sivasankar filed writ petition No.2982/2023 before the Hon'ble High Court of Madras. In the writ petition advocate commissioner appointed and he filed report stating that the property was not able to measure properly and the revenue departments are not produced necessary documents. That report now only received by the defendants hence for proving their case it is necessary to receive that document.

6.2. Per contra the respondent filed counter stating that only to mislead this court this petition is filed, in the advocate commissioner report he was not stated that the suit property is not belonging to the government property. He only stated that the revenue officials not properly submitted

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the records hence the report is not relevant to this case and for the relief claimed before this court hence prayed to dismiss the petition.

6.3. On perusing the available records the petitioners 1 to 3 are already filed OS.No.754/2004 for easementry right over the same S.No.253/3 against the Gudiyattam Panchayat Commissioner and obtained exparte decree. As per the plaint while the petitioners obstruct the respondent from using the B schedule mentioned property the respondent filed suit for easementry right over the S.No.253/3. While the suit posted for defendant side evidence the petitioners filed present petition for receiving additional document. In the petition the petitioners 4 to 7 are government officials and they are already set exparte in the main suit but they are wrongly mentioned as petitioners along with the contesting petitioners/defendants 1 to 3. In the petition the petitioners stated that regarding the suit S.No.253/3 one Sivasankar filed WP.2982/2023 before the Hon'ble High Court of Madras in that writ advocate commissioner is appointed. The advocate commissioner filed report stating that he was not able to measure the schedule of properties and the revenue officers are not able to furnish correct records regarding the properties hence the petitioners wants to mark the advocate commissioner report in the suit as a defendants side exhibit.

6.4. It is further submit that the petitioners/defendants are not pleaded about the proposed document in their written statement. Even in the present petition the petitioners failed to state relevancy of the document in respect of the pending suit. The petitioners failed to state how the

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interim report filed by a advocate commissioner in writ petition is necessary to decide the pending issues. While the suit pending from the year 2017 and pending for more than a year for defendant side evidence petitioners only intent to prolong the case filed the present petition. The petitioners failed to show cause sufficient reasons for allowing this petition. On perusing the proposed document/report filed by the advocate commissioner is a photocopy of a report which contains 8 pages. And the said report was not even signed by the advocate commissioner. It is further submit that it is filed in respect of S.No.253/3 and S.No.254 in Kallapadi Village and it is a interim report filed by the said advocate commissioner. The petitioners failed to prove that the filed report was submitted before the Hon'ble High Court of Madras for consideration or not. Further on perusing the document sought to receive is a photocopy of a unsigned advocate commissioner report which cannot be received because for the fact that the secondary evidence of those documents are not permitted under Section 65 of the Indian Evidence Act, 1873. On considering the above discussion this court not inclined to allow this petition.

7. 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 March 2026.

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Petitioners side Witnesses and Exhibits :- Nil

Respondent side Witnesses and Exhibits :- Nil

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