

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 07th day of November 2025

I.A. 03/2025
in
O.S.No. 143/2015

M.D.Dhanasekaran

.... Petitioner/ Plaintiff

// Versus //

1. Suguna @ Sugumar
2. Jayakumar Iyyar (Died)
3. P.J.Hemalatha
4. P.J.Saranya

.... Respondents/ Defendants

This petition came up on 25.10.2025 before me for final hearing in the presence of Thiru.K.M.Boopathi, Advocate for Petitioners and Thiru.T.Ravendar Raju, Advocate for the respondents 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 16, Rule 1(3) and Section 151 of Code of Civil Procedure to permit me to examine The Sub-Registrar, Gudiyattam Sub-Registrar Office and to mark the documents and pass such other orders.

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

The petitioner submit that he have filed the above said suit for permanent injunction against the respondents/defendants and the said suit is pending for examination of witness on his side. The petitioner father M.A.Deenadayalan Naidu was in sound and disposing state of mind voluntarily without any compulsion executed a registered Will dated 30.07.2007 infavour of himself and his sons, daughter, daughter in law, grand children and the same was registered before Gudiyattam Sub-Registrar Office bearing Doc.No.146/2007 regarding the suit property and other properties. Further the Sub-Registrar, Gudiyattam Sub-Registrar Office has to be examined to prove Petitioner case and the document has to be marked pertaining to the suit property an for that the The Sub-Registrar, Gudiyattam Sub-Registrar Office has to be examined in his side witness and documents has to be marked through him. Hence the petitioner filing this application to permit the petitioner to examine The Sub-Registrar, Gudiyattam Sub-Registrar Office and to mark the documents. Otherwise the petitioner would be put to great loss and hardship. It the petition is allowed, there is no prejudice caused to other side.

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

These respondents vehemently denies the averments and allegations contained in the affidavit filed in support of the above I.A. are fasle, frivolous, and wholly denied by the respondents. The petitioner has not satisfied the mandatory requirements under Order XVI Rule 1(3) CPC, which permits the court to allow the summoning of witnesses only upon

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sufficient and reasonable cause. The petitioner has not disclosed any bonafide reason or justifiable ground warranting such indulgence from this Hon'ble court. That the proposed witness, namely, the Sub-Registrar, Gudiyattam, is sought to be summoned only with an ulterior motive to fill up the lacuna in the petitioner's case, The Sub-Registrar can't give evidence regarding the sound, state of mind of the executor, the attempt to summon the Sub-Registrar is nothing but an abuse of the process of this Hon'ble court. The alleged Will dated 30.07.2007, said to have been executed by the petitioner's father, is a disputed document. The petitioner cannot summon the Sub-Registrar merely to prove or mark the said document when its genuineness and admissibility are under serious dispute. The provisions of Order XVI Rule 1(3) cannot be invoked to compel production of official witnesses to validate a document which is irrelevant or inadmissible in the present suit. It is submitted that the petitioner's application is misconceived both on facts and in law. The application does not disclose any "sufficient cause" as required under Order XVI Rule 1(3). The present application has been filed only to protract the proceedings and to harass the respondents. Allowing such an application would cause undue delay and prejudice to the respondents. therefore the above petition is devoid of merits, misconceived in law, and liable to be dismissed with exemplary costs.

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 petitioner is the plaintiff in the suit. The petitioner filed permanent injunction suit against the respondents. While the suit pending for plaintiff side further evidence, the petitioner filed this petition to summon the Sub-Registrar Gudiyattam to be examined as plaintiff side evidence. The reason stated in the petition is that his father executed Will and same was registered before the Sub-Registrar Office Gudiyattam. Hence for proving the petitioner case and marking documents the examination of Sub-Registrar is necessary.

6.2. The respondents filed counter and object that no bonafied reason or justifiable ground not mentioned in the petition, only to fill up lacuna this petition is filed. Further submit that Sub-Registrar cannot give evidence regarding state of mind of executor, hence this petition should be dismissed.

6.3. On perusing the petition the petitioner failed to state the reason for examining the Sub-Registrar. And failed to mentioned about the nature of proposed documents which has to be marked through him. The Will

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submitted by the petitioner is already marked as Ex.A2. For proving the execution of will the petitioner has to comply the procedure as per section 63 of the Indian Succession Act, 1925 and Section 68 of the Indian Evidence Act, 1872, but the petitioner want to summoning the Sub-Registrar is not considerable one without specific reasoning. On considering the above discussion the petitioner failed to disclose sufficient cause for summon the official witness. Hence 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 07th day of November 2025.

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Petitioner side Witnesses and Exhibits :- Nil

Respondent side Witnesses and Exhibits :- Nil

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