

**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 19th day of February 2026

I.A. 03/2025
in
O.S.No.205/2015

1. Vasantha
2. Panneerselvam
3. Thilaga
4. Sampath Rani
5. Murugan

.... Petitioners/ Defendants

// Versus //

Kirubakaran

.... Respondent/Plaintiff

This petition came up on 09.02.2026 before me for final hearing in the presence of Thiru.K.M.Boopathi, Advocate for the Petitioners and Thiru.S.Gunasekaran, 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 16 Rule 1(3) and Section 151 of Code of Civil Procedure 1908 to permit the petitioner to examine the Sub Registrar, Gudiyattam on the petitioner side witness and to mark documents to prove the case of the petitioner/defendant and pass such necessary order.

District Munsif, Gudiyattam.

1. Brief Averments of the Petition:-

The petitioner submit that at the time of filing his written statement itself he have mentioned that the original settlement deed was misplaced and he could not filed. But later on the petitioner came to know the original settlement deed was in the respondent/plaintiff herein. The respondent/plaintiff deliberately retaining the original settlement deed and failed to produce the same. Hence the petitioner on the legal obligation to prove the registered settlement deed dated 26.02.2023 bearing Doc.No.894/2003. The petitioner have already marked certified copy of original settlement deed dated 26.02.2023 before this Hon'ble court and the same has been marked as Ex.B1. Now it is necessary to summon the Sub-Registrar, Gudiyattam to produce all the registers which contains the thumb impression of the executed of the settlement deed executed by Karupaye.

2. Brief Averments of the counter:-

The respondent submit that this petition is not filed in accordance with law. This petition is filed only with a view to fill up the lacuna and also with a view to drag on the proceedings of this case. The alleged settlement deed is not in the hands of this respondent as alleged by the petitioners/defendants and the said allegation is false. The petitioners have filed this petition with a view to confuse this Hon'ble Court by summoning the Sub-Registrar, Gudiyattam to cause him to produce the documents which cannot be do so. The burden is on the petitioners to prove the due execution of the settlement deed by producing the original. On this ground, this petition is liable to be dismissed in limini.

District Munsif, Gudiyattam.

3. Both side enquiry heard.

4. Point for consideration:-

Whether this application is liable to be allowed ?

5. Evidence:-

No documents produced by both parties.

6. Discussion :-

On perusing the available records and considering the submission made by both counsels this court proceeds to delineate its finding by the following discussion.

6.1. The petitioners are the defendants in the main suit. The respondent filed suit for partition against the petitioners. The 5th petitioner is the son of 2nd petitioner. The case of the 5th petitioner is that the suit property belonging to his grand mother Karuppayee. Out of love and affection she executed registered settlement deed dated 26.02.2003 infavour of the 5th petitioner. While the suit posted for further defendants side evidence the petitioners filed the present petition stating that it is necessary to summon the Sub Registrar, Gudiyattam to produce all the registers which contains the thumb impression of the executed of the settlement deed executed by Karuppayee. Per contra the respondent objected that only with a view to fillup the lacuna and also to drag on the proceedings the petition is filed.

6.2. It is submit that in the petition the petitioners failed to state why they wants to summon the Sub Registrar, Gudiyattam to produce registers

District Munsif, Gudiyattam.

contains the thumb impression of Karuppayee. The alleged sale deed is a registered document dated 26.02.2003 vide Doc.No.894/2003. As per Section 60 of Registration Act it should be presumed that every registered document is executed as prescribed by law. The petitioner not disclosed any reasons for producing the thumb impression of Karuppayee by the Sub-Registrar. Producing thumb impression of Karuppayee will not prove the execution of the settlement deed. It has to be prove as prescribed by law.

6.3. It is further submit that in the affidavit the petitioners want to summon the Sub Registrar to produce registers containing thumb impression of Karuppayee but in the petition the petitioners seeking permission to examine the Sub Registrar and to mark documents. The averments in the affidavit and the prayer seeking in the petition are not relevant. In this circumstances the petitioner failed to show cause sufficient reasons for summoning the Sub Registrar, Gudiyattam to produce the thumb impression of Karuppayee. At this circumstances without showing sufficient cause the petitioner want to examine the public servant. Hence this court not inclined to allow the 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 19th day of February 2026.

**District Munsif,
Gudiyattam.**

District Munsif, Gudiyattam.

Petitioners side Witnesses and Exhibits :- Nil

Respondent side Witnesses and Exhibits :- Nil

**District Munsif,
Gudiyattam.**

District Munsif, Gudiyattam.