

**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 09<sup>th</sup> day of January 2026

**E.A.01/2023**

**in**

**E.P. 54/2019**

**in**

**O.S.No. 329/1996**

M.K.Sathiyamoorthi

.... Petitioner/ D.Hr.

// Versus //

1. M.L.Venkatesa Chettiyar (Died)
2. M.L.Krishnamoorthi (Died)
3. Saraswathiammal (Died)
4. Pangajammal (Died)
5. Sathiyavathi (Died)
6. Padmavathi (Died)
7. Madhubala
8. M. Gajendiran
9. M.Nithiyanandam
10. R. Raghupathi
11. R. Kamalanathan
12. M. Ramalingam
13. M. Balakrishnan
14. K.R.Sridhar
15. K.R.Srihari
16. K.R.Srikanth
17. Sreemathi

.... Respondents /Judgment Debtors

*District Munsif, Gudiyatham.*

This petition came up on 15.12.2025 before me for final hearing in the presence of Thiru.K.M.Boopathi, Advocate for the Petitioner/D.Hr and Thiru.S.Gunasekaran, Advocate for the 8<sup>th</sup> respondents/J.Ds and the 1 to 6 respondents/J.Ds are died and the 9<sup>th</sup> to 13<sup>th</sup> respondents/J.Ds are endorsed no counter and the 7, 14 to 17 respondents/J.Ds are set exparte on 03.01.2025 and upon perusing the case records and having stood over for consideration till this day this court delivered the following.

### **Order**

The application filed Under Order 16, Rule 1A and 6 and Section 151 of Code of Civil Procedure to order to direct the said witness namely the Inspector of Police, Gudiyattam Taluk Police Station, Gudiyattam to give evidence failing which to arrest and commit him civil prison for non obeying the court order after receiving court witness summon and pass such other orders.

#### **1. The averments of the petitioner in the applications:-**

The petitioner is the Decree holder in the above said EP. The petitioner submit that he have filed the petition for delivery of possession vide EP.No.86/2011 as per final decree passed in OS.No.329/1996 against the respondents and the said case was posted for further evidence on his side on 30.03.2023. The petitioner have examined himself as PW1 and marked the documents on his side. The petitioner have summoned Gudiyattam Taluk Police Station to produce complaint and CSR and related documents and give evidence and they also appeared before this Hon'ble

*District Munsif, Gudiyatham.*

Court and seeking time to trace out the documents and giving undertaking to produce the same. Subsequently the Police official failed to appear before this Hon'ble court and produce the documents. After receipt of the witness summon, failed to appear before this Hon'ble court and this Hon'ble court was posted for filing steps against the witness. Hence the petitioner filing this application to direct the said witness namely The Inspector of Police, Gudiyattam Taluk Police Station, Gudiyattam to give evidence failing which to commit him civil prison for non obeying the court order. Otherwise the petitioner would put to great hardship and loss. The petition is allowed there is no prejudice caused to other side.

**2. The averments of the 8<sup>th</sup> respondent in the application:-**

The respondent submits that this petition is maintainable in law as the police officials has got nothing to do with the facts of the case. Moreover, the police have not done anything with regard to the dispute of this case property. Hence they have not appeared before this Hon'ble Court. Hence they cannot be punished as prayed for by the petitioner. Hence this petition is devoid of merits. This petition is filed with a bad intention to compel the police to give false evidence on behalf of the petitioner. Hence this petition is liable to be dismissed.

**3.** Petitioner side enquiry heard. R8 counsel submitted consider the counter. R9 to R13 side no representation.

**4. Point for consideration:-**

Whether this application is liable to be allowed ?

*District Munsif, Gudiyatham.*

**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 petitioner and R8 side counsels and perusing the available records this court delineate and proceeds its findings based on the following discussion.

**6.1.** The present petition is filed by the petitioner under Order 16 Rule 1A and 6 of CPC to direct the Inspector of Police, Gudiyattam Taluk to give evidence and if he fails arrest and commit him to civil prison. On perusing the reasons stated by the petitioner it is stated that already summoned the Gudiyatham Taluk Police Station to produce document and give evidence but they appeared and get time to trace out the documents subsequently police official failed to appear and produce the documents, hence for taking steps against the witness this petition is filed. The reasons stated in the affidavit and the prayer claimed by the petitioner is not relevant.

**6.2.** On perusing the available records the Inspector of Police is a public servant for examining him prior permission has to be get from the court but in this case directly witness summon is sent to the witness. Now only the petitioner filed the present petition under Order 16 Rule 1A. In the affidavit there is no reason stated by the petitioner for what purpose the evidence of Inspector of Police, Gudiyattam Taluk Police Station is

*District Munsif, Gudiyatham.*

necessary. Initially the petitioner summoned the Inspector of Police to produce the Complaint copy, CSR copy to prove his case without seeking prior permission from this court. On perusal in the petitioner himself already filed the Complaint copy and CSR copy and marked those documents as Ex.P1 and Ex.P2 in the circumstances the petitioner has to show sufficient cause and state reasons for seeking direction to examine the Inspector of Police, Gudiyattam Taluk. But in this case the petitioner failed to show sufficient cause for considering the present petition. On that this court not inclined to allow this petition.

**7. Result :-**

As a result this petition dismissed without cost.

Dictated to Steno typist directly, typed by him corrected and pronounced by me in the open Court on this the 09<sup>th</sup> day of January 2026.

**District Munsif,  
Gudiyattam.**

**Petitioner side Witnesses & Exhibits :-** Nil

**Respondents side Witnesses and Exhibits :-** Nil

**District Munsif,  
Gudiyattam.**

*District Munsif, Gudiyatham.*