

In the court of the District Munsif Cum Judicial Magistrate
Watrap

PRESENT: M. RAMANATHAN., B.A., B.L.,
DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE
WATRAP

On the 15th day of December 2025

I. A. No. 14 of 2025
In
O. S. No. 3 of 2025

Mrs. Syed Rabia through her
Power of Attorney Mr. Nagoor Mohideen

... Petitioner / Plaintiff

Vs

1. Rani
2. Tamil Selvi
3. Kavitha
4. Panju

... Respondents / Defendants

The present application came before this Court for final hearing in the presence of learned advocate Mr. A. C. Namburaj, appearing on behalf of the petitioner/plaintiff, and learned advocate Mr. Manikannan, appearing on behalf of the respondents/defendants. After perusing the affidavit and counter affidavit,

and upon considering the submissions advanced by both sides, and having stood over for consideration till date, this Court now pronounces the following:

ORDER

1. The present application has been filed by the petitioner/plaintiff seeking permission of this Court to deliver interrogatories to the respondents/defendants.

2. The Crux of the affidavit filed by the petitioner / plaintiff:

The learned counsel for the petitioner/plaintiff submitted that the original suit has been filed seeking a declaration of easement by grant, claimed to have been acquired through the sale deed relied upon by the petitioner/plaintiff. It was further contended that the respondents/defendants, in their written statement, have raised blanket denials, and therefore the proposed interrogatories are intended to elicit information relating to the chain of title, the alleged landlocked nature of the property, the existence of an express grant, constructive notice, and the alleged acts of obstruction. According to the petitioner/plaintiff, answers to these interrogatories would facilitate the speedy disposal of the suit and that granting the relief sought would serve the ends of justice.

3. The crux of the counter affidavit filed by the 4th respondent / 4th defendant

The 4th respondent has filed her counter affidavit contending that the interrogatories sought to be delivered are irrelevant and that the questions raised

therein are not appropriate for consideration at this juncture. It is further submitted that no discovery of any material fact would result even if the interrogatories were answered, and therefore the present application is not maintainable. The 4th respondent has accordingly prayed for the dismissal of the application.

(The counter affidavit filed by the 4th respondent was adopted by the 1 to 3 respondents.)

4. Issues for consideration of this court

Whether the proposed interrogatories should be delivered is a matter for this Court to decide, and further, whether these interrogatories would serve their intended purposes?

This Court has duly considered the affidavit, the counter affidavit, and the submissions advanced by both sides in support of and against the present application.

The learned counsel for the petitioner/plaintiff vehemently argued that the interrogatories proposed to the respondents/defendants are essential for the proper adjudication of the suit and would substantially curtail the time required for cross-examination, thereby facilitating an expeditious disposal of the matter. It was further contended that the denials made in the counter statement are merely blanket denials, which are impermissible in law, and therefore the respondents/defendants are bound to answer the interrogatories.

Conversely, the learned counsel for the respondents/defendants submitted that the interrogatories sought do not serve the purpose of discovery, as no material fact is likely to be elicited thereby. It was argued that all necessary averments have already been set out in the written statement, and hence the application is devoid of merit. The counsel therefore prayed for dismissal of the application with costs.

Upon perusal of the first set of interrogatories, this Court finds that they were intended to trace the title of the properties presently in the possession of the respondents/defendants. However, as neither party to the suit has disputed the title of the other, the said interrogatories are irrelevant to the issues in dispute.

Though the answers sought through the first set of interrogatories may be of some relevance during cross-examination that does not, by itself, render the interrogatories relevant for the purpose of this application. Mere potential utility in cross-examination cannot justify permitting interrogatories that do not bear directly on the matters in issue. Further, this Court finds that the first set of interrogatories are neither relevant to the matters in issue nor bona fide for the purpose of the suit. They do not assist in resolving any disputed fact.

Upon perusing the second set of interrogatories, this Court finds that they are intended to establish the alleged landlocked nature of the suit-schedule property, purportedly on the basis of the sale deed said to have been executed in favour of the petitioner's predecessor in title. This Court further finds that the said sale deed has already been relied upon by the petitioner/plaintiff herself to establish her title to the suit-schedule property. In such

circumstances, seeking its admission through interrogatories proposed to be delivered to the respondents/defendants is unnecessary and unwarranted at this stage.

Upon perusing the third set of interrogatories, this Court finds that they are intended to establish Subbaiah's participation and the constructive nature of his acts, alleged to be binding upon his lineage. Insofar as the document said to have been jointly executed by Absar Hussain, Samskani and Subbaiah is concerned, the defendants have denied its execution, contending that Subbaiah had no individual interest in the property enabling him to alienate it. In such circumstances, seeking its admission through interrogatories proposed to be delivered to the respondents/defendants is unnecessary and unwarranted at this stage.

Upon perusing the fourth set of interrogatories, this Court finds that the interrogatories sought to be delivered are hypothetical in nature. Insofar as the alleged obstruction is concerned, the respondents/defendants have categorically denied the existence of any such pathway over the properties belonging to them, asserting that they have been in possession and enjoyment of their property in the same manner as their predecessor-in-title had enjoyed it. Insofar as the alleged absence of an alternative pathway is concerned, the defendants have specifically pleaded in their written statement asserting that a pathway exists on the western side of the suit-schedule property.

Upon perusing the fifth set of interrogatories, this Court finds that they seek matters of knowledge and legal admission, which are not permissible to be elicited through interrogatories in law.

Viewed in their entirety, the proposed interrogatories appear to be in the nature of cross-examination. Interrogatories that are, in substance, intended for cross-examination are not permissible and therefore cannot be allowed. In support of this, this Court places reliance on the decision of the Hon'ble Supreme Court in *Raj Narain v. Indira Nehru Gandhi*, (1972) 3 SCC 850, wherein it was held that interrogatories which are in the nature of cross-examination are impermissible.

Further, the proposed interrogatories must relate to a definite and existing state of circumstances and cannot be put merely in the hope of discovering something that may assist the petitioner in making out a case or with the object of plugging a loophole. This principle has been clearly laid down in *Ganga Devi v. Krushna Prasad*, ILR 1964 Cut 951. Considering the present facts in light of the above principle, this Court finds that the proposed interrogatories do not relate to any definite or existing state of circumstances.

In essence, the interrogatories proposed to be delivered to the respondents/defendants do not touch upon the core issues in dispute. They are, in substance, in the nature of cross-examination and pertain to questions of law and factual matters that do not warrant interference at this stage for the fair disposal of the suit. This Court therefore finds that the interrogatories are irrelevant at this juncture, and the issues raised therein can appropriately be

addressed during the course of evidence. In the result, this application is devoid of merits.

5. Result

In result, this application was dismissed without costs.

This order was directly typed by me in my personal laptop and corrected by me and pronounced by me in open court on 15th day of December 2025.

District Munsif cum Judicial Magistrate
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Petitioner side evidence – Nil

Petitioner side exhibits – Nil

Respondents side evidence – Nil

Respondents side exhibits – Nil

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