



Application No.2865 of 2024

**Orders Reserved on
30.09.2024**

**Orders Pronounced on
22.11.2024**

Application No.2865 of 2024
in
O.P.No.716 of 2023

RMT.TEEKAA RAMAN, J.

The application is filed under Order XIV Rule 8 of the Original side Rules read with Order XI Rule 12 of the Code of Civil Procedure to call for the respondents to produce the xerox copies of the following documents:

- (1) Passport copy of the first and second respondents;
- (2) Passports of Lakshmipathy, son of M.Ezhumalai, son in law of the 3rd respondent for the period from 2014 to 2024;
- (3) Passport copy of Mr.Pachaiappan, son of Velayudham for the period from 2014 to 2024;
- (4) School certificate of the minor Roshini and
- (5) Adangal and Chitta extracts of field bearing Survey Nos.6/1, 9/4, 9/5 and 86/3 consisting of 7 acres situated at Vanagaram, Vanur Taluk.



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2. Counter is filed by the third respondent.

3. Along with counter at para No.12, it is stated that the 3rd respondent produced the following documents;

- (1) The passport xerox copy of the 1st and 2nd respondents viz., 1st and last page as their passport with entries were with the custody of the employer at Dubai, so they could not produce the full passport copy.
- (2) The Old and New passport xerox copy of the Lakshmipathhy
- (3) Bonofide School certificate of minor child Roshini issued by school authority.
- (4) As the said Pachiappan is living separately I cannot produce his passport copy.
- (5) As None of the respondents are in possession of Adangal, chitta pertaining to S.Nos. 6/1, 9/4 9/5 and 86/3 for 7 acres of Vanagaram village Vanur Taluk, so they are unable to produce the same.

4. Accordingly this Court finds that Pachiappan is not a party to the



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proceedings and hence, in this application, the same cannot be ordered. It is open to the petitioners to take appropriate application. As the case, the relief No.5 relating to Adangal extract, Chitta of land which is not available with the respondents and hence it is open to the petitioner to take subpoena application to the revenue authorities. This Court is unable to understand as to the necessity of the said revenue records in respect of the 7 acres of land since this case is for custody of minor child by the biological parents from the adopted parents.

5. After perusing the affidavit and the counter affidavit, I find that the petitioner in main OP Sathasivam and Radha are the biological parents of minor Roshini, female, (Date of Birth:25.10.2014). The respondents 1 & 2 in the main petition are the adopted parents. The first petitioner and the first respondent are brothers. While the first respondent is the elder brother, the petitioner is the younger brother. From the other documents filed in this case, I find that they have one more brother by name, Lakshmipathy who is married to Poorani. They are third party applicants who had filed the application in A.No.2256 of 2024. The third respondent is projected as the third party in the main OP as well as in the present application. However,



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after perusing the averments filed in the counter affidavit and the affidavit in A.No.2256 of 2024, I find that she is none other than the mother-in-law of the first petitioner and mother of the second petitioner. It remains to be stated that the alleged person Lakshmipathy and Poorani are also close relatives. I find that the first respondent Kumar is the eldest brother while the first petitioner is elder brother of the said Lakshmipathy. The first respondent Kumar eldest brother and Lakshmipathy is younger brother, both of them have married the sisters by name Bhuvaneshwari and Poorani and the third respondent Rani is none other than the mother of the said Bhuvaneshwari and Poorani and mother-in-law of the first respondent and proposed party Lakshmipathy.

6. For the reasons best known the petitioners in the main petition, the biological father has been projected as third party whereas the interpersonal relationship has been spelt out only from the impleading application filed by the Lakshmipathy and Poorani in A.No.2256 of 2024. Since counter in the said application is not found in the bundle, Registry is directed to find out whether counter is filed before the Registry and duly signed and also directed to put up for enquiry before the roster Court, if it is filed.



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7. In the result, application in A.No.2865 of 2024 is allowed only in respect of the prayer Nos.1, 2 and 4. In respect of prayer Nos.3 and 5, the application in A.No.2865 of 2024 stands dismissed with liberty as stated supra.

22.11.2024

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