



C.R.P.No.6101 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.6101 of 2025

and

C.M.P.No.30040 of 2025

1.Chellammal

2.Bakthavatsalam

3.Mohana

4.Kubendran

5.Boopalan

... Petitioners

VS.

1.Kasi

2.Sankar

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 28.10.2025 made in I.A.No.4 of 2025 in O.S.No.314 of 2021 on the file of Subordinate Court, Alandur by allowing this Civil Revision Petition.



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For Petitioners : Mr.R.Prabakar

ORDER

The Civil Revision Petition is filed challenging the order passed by the Subordinate Court, Alandur dismissing the application filed by the petitioners and 2nd respondent herein seeking to issue summons to the Thasildhar, Sholinganallur Taluk, to give evidence along with original records pertains to the suit property in S.F.Nos.103 and 103/2, Karapakkam Village, Sholinganallur Taluk.

2. The 1st respondent herein filed a suit for declaration of title and recovery of possession. The petitioners and 2nd respondent herein filed a detailed written statement and resisting the suit on various grounds. The trial in the suit is already commenced and the 2nd petitioner was examined as DW.1. At this stage, the petitioners filed an application seeking issuance of witness summons to the jurisdictional Thasildhar, the same was dismissed by the Trial Court. Aggrieved by the same, the petitioners have come before this Court.

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3. The learned counsel appearing for the petitioners would submit that all the title documents relied on by the plaintiff relates to Survey No.103 and in the title document of plaintiff, there is no reference about sub-division of Survey No.103/2. In such circumstances, the revenue document pertains to above said survey number is very much relevant for production of revenue documents relating to suit property. Therefore, issuance of witness summon to Thasildhar is absolutely necessary.

4. Rule 75 of the Civil Rules of Practice, provides procedure for calling an Official Witness for production of records. Sub Rule 3 of Rule 75 of Civil Rules of Practice would indicate that no court shall issue such summon unless it considers the production of the original document is necessary and is satisfied that the application for certified copy has been duly made and has not been granted. Rule 76 of the Civil Rules of Practice enable a litigant to apply for Certificate from the concerned court for obtaining certified copies of the public document.

5. A combined reading of Rules 75 and 76 of the Civil Rules of



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Practice would indicate that the litigant, who wants to production of certain public documents like revenue records, must apply for certificate from the concerned Court and after getting certificate, must apply for certified copy based on the certificate issued by the Court.

6. In the case on hand, the petitioners have not followed the procedure contemplated under Rule 76 of the Civil Rules of Practice and straight away filed an application for issuance of summons to the concerned Revenue Officials. In a civil litigation, production of revenue documents pertains to suit property may be necessary in number of cases. It is for the litigant to get certified copy from the concerned Office and produce the same before the Court. Only to facilitate production of certified copies, the Rule 76 of the Civil Rules of Practice mandates issuance of certificate by the Court, if the Court is satisfied that the document sought to be produced by the litigant is necessary. Therefore, unless a litigant desires of calling Official Witness satisfy the Court that he followed procedure under Rule 76 of the Civil Rules of Practice for getting certified copy of the concerned document, he is not entitled to seek issuance of summon to Official Witness.



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7. Rule 76 of the Civil Rules of Practice is introduced just to reduce burden on the Public Offices. In the case on hand, the petitioners have not filed any application seeking issuance of certificate from the Court under Rule 76 of the Civil Rules of Practice. Only after obtaining certificate and production of the same before the Public Officer, if still his request for issuance of certified copy is refused, the litigant is entitled to invoke Rule 75 of the Civil Rules of Practice.

8. In the light of the said position, I do not find any error in the order passed by the Trial Court dismissing the application filed by the petitioners seeking issuance of witness summon to the Revenue Officials. However, it is open to the petitioners to follow the procedure under Rule 76 of the Civil Rules of Practice and get certified copy as stated above.

9. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

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Index : Yes
Speaking order : Yes

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Neutral Citation : Yes
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To

The Subordinate Court,
Alandur.



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S.SOUNTHAR, J.

dm

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