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C.R.P.No.1407 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.1407 of 2024
and C.M.P.No.7519 of 2024

Rajamanickam

... Petitioner

VS.

1.The State of Tamil Nadu,
Represented by the District Collector,
Nakammal.

2.The Revenue Divisional Officer,
Thiruchengode.

3.The Block Development Officer,
Mallasamudram.

4.The President,
Mangalam Village,
Mallasamudrum Block,
Thiruchengode Taluk,
Namakkal District.

5.P.Manickam

6.Singaravelan

7.Ramasamy

8.K.Venkatachalam

... Respondents



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PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Fair and Final Order dated 12.01.2024 passed by the learned Principal District Munsiff, Thiruchengode in I.A.No.16 of 2023 in O.S.No.169 of 2012.

For Petitioner : Mr.L.Mouli

For R1 and R2 : Mr.R.Vigneshwaran
Government Advocate

For R5 to R8 : Mr.N.Manoharan

ORDER

The Civil Revision Petition is filed challenging the order passed by the Principal District Munsiff, Thiruchengode in I.A.No.16 of 2023 in O.S.No.169 of 2012, dated 12.01.2024 dismissing the application filed by the petitioner seeking certificate under Rule 76 of Civil Rules of Practice for getting certified copy of the Will, dated 17.12.1971 relied on by the defendants, which is registered before the Sub-Registrar Office, Mallasamudram.



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2. The petitioner herein filed a suit for permanent injunction against the respondents. The respondents 5 to 8/defendants 5 to 8 claimed easementary right over the suit property in S.No.85/3. It is the specific case of the petitioner that S.No.85/3 belongs to him and the respondents 5 to 8/defendants 5 to 8 have no right over the same much less easementary right. When the DW.2 was examined, he deposed, as if the subject property belonged to his mother and uncle-Subramaniam under registered Will bearing Document No.37/1971 on the file of the Sub-Registrar Office, Mallasamudram. Though DW.2 referred about the Will in his evidence, the copy of the same has not been produced before the Court. Therefore, the petitioner filed instant application seeking certificate from the Court under Rule 76 of Civil Rules of Practice to get copy of the Will referred by DW.2. The said application was dismissed by the Trial Court. Aggrieved by the said order, the petitioner has come before this Court.

3. The learned counsel appearing for the petitioner would submit that the defendants after referring to the Will failed to produce the same, therefore, the petitioner may be permitted to get copy of the Will relied on by the defendants and produce the same before the Court.



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4. If the defendants claimed right under any Will, it is for them to prove the same by producing it before the Court and calling the Attestor. If the defendants failed to produce the Will, they are not entitled to claim any right under the said document. In such circumstances, the petitioner has to prove his right over the property independently by producing his documents. It is not the duty of the petitioner to produce the documents referred to by defendant's witnesses. The Trial Court rightly appreciated the position and dismissed the application filed by the petitioner. I do not find any error in the impugned order passed by the Principal District Munsiff, Thiruchengode in I.A.No.16 of 2023 in O.S.No.169 of 2012, dated 12.01.2024.

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

10.02.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

- 1.The Principal District Munsiff,
Thiruchengode.
- 2.The District Collector,
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Nakammal.
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Thiruchengode.
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- 5.The President,
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S.SOUNTHAR, J.

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