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CRP No.4742 of 20_



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 4742 of 2025 and CMP No.23932 of 2025

1. A.G.Joy
S/o. George, Railway Station Road,
Roayakottai Village and Post,
Krishnagiri Dist.

Petitioner(s)

Vs

1. M.Logan
S/o. Mannukan Gounder, No. 135,
Kollakottai, Poongulam Village,
Vaniyambadi Taluk, Vellore Dist.

2.A.J. Joni
S/o.A.V.Joseph, No. 4/378,
Savulupatti Village, Sogathur,
Dharmapuri Taluk and Dist.

Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India as against the order and decree dated 18.07.2025 made in I.A.No.3 of 2023 in O.S.No.111 of 2017 on the file of District Munsif, Vaniyambadi.

For Petitioner(s): MR.A.Gouthaman

For Respondent(s): Mr.R.Ramesh For R1
R2 - Deceased

**ORDER**

WEB COPY Challenging the order passed in I.A No.3 of 2023, the plaintiff has filed the above revision.

2. The revision petitioner/plaintiff has filed an application in I.A No.3 of 2023 under Order XVI Rules 1 and 2 of the Code of Civil Procedure, 1908 praying to issue summons to the (i) Tahsildar, Vaniyambadi, (ii) Sub-Registrar, Vaniyambadi, (iii) Executive Engineer, Electricity Board, Vaniyambadi and (iv) a Pastor from Dharmapuri to examine them as witnesses on his side.

3. The application was dismissed by the trial Judge holding that the plaintiff has not specifically averred as to what purpose he wants to examine the above Government Officials and no specific reason has been assigned for examination of those witnesses. The trial Judge made an observation that the application appears to be an afterthought, aimed at protracting the long pending suit of the year 2017. The trial Judge also observed that the information sought to be elicited through these witnesses can either be established through documentary evidence in the form of certified copies or



is redundant in nature.

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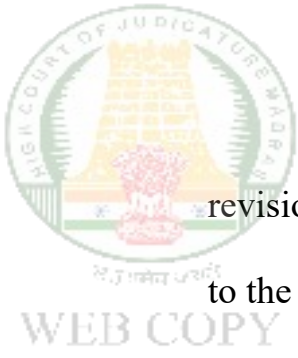
4. Learned counsel for the revision petitioner submits that the second defendant has fabricated false legal heir certificate and executed a sale deed in favour of the first defendant.

5. Learned counsel for the respondents submits that the respondents are not disputing the death of A.J.Rosy Ammal and also they have not challenged the legal heir certificate issued by the revenue officials and there is no specific prayer in the plaint and the examination of those witness are unnecessary and therefore, the trial court has rightly dismissed the application and the same does not warrant any interference.

6. I have heard the submissions made by the learned counsel on either side and perused the materials available on reocrd.

7. On perusal of the plaint averments, in paragraph No.10 of the plaint, the plaintiff has pleaded that the second defendant has played fraud in creating the sale deed in favour of the first defendant and he has claimed that as if he is the only legal heir of A.J.Rosy Ammal and therefore, the

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revision petitioner/plaintiff has specifically raised an objection with regard to the legal heir certificate received by the second defendant.

8. On the bare perusal of both the sale deeds executed by the second defendant in favour of the first defendant dated 26.07.2010 are null and void and to prove the case, fair opportunity to be given to the revision petitioner/plaintiff to summon those revenue officials since the plaintiff has specifically pleaded in the plaint. The trial court failed to take note of the said pleading stated by the plaintiff in the plaint .

9. In view of the above, the order passed by the trial Court in I.A.No.3 of 2023 in O.S.No.111 of 2017 is set aside and the civil revision petition is allowed. Liberty is granted to the contesting defendants to cross examine those witnesses. No costs. Consequently, connected miscellaneous petition is closed.

23.03.2026

sr
Index:yes/no
Website:yes.no
Speaking Order/Non-speaking order



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The District Munsif Court, Vaniyambadi



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T.V.THAMILSELVI.,J

sr

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