

IN THE COURT OF THE ADDITIONAL MUNSIFF, CHERTHALA

Present: Sri. Mahesh. M., Additional Munsiff

Friday, the 27th day of March, 2026/ 6th Chaithram, 1948.

IA No. 01/2026 in O.S. No. 472/2019

(Filed on 12.03.2026)

Petitioner/5th Defendant:-

Thulasi, aged 70, W/o Gopalakrishnan,
Pranavam (Kochumadathil), Pollethai.P.O,
Alappuzha from Anithamandiram,
Varanad.P.O, Cherthala Taluk.

By Adv. T Jayakrishnan

Respondent/Plaintiff:-

Geethadevi @ Geetha, aged 60,
W/o Sivanandakuruppu, Padinjare Thennadi,
Charamangalam Muri, Muhamma P O, Cherthala.

By Adv. T.D Rajendrakumar & Adv.E.D Zacharias

This petition having been finally heard on 18.03.2026 and the court on 27.03.2026 passed the following :-

ORDER

This petition is filed by Defendant No.5 to re-open the evidence. According to the petitioner she had summoned two witnesses for producing the documents sought by her. But the two witnesses came before this Court and deposed that the documents sought by the petitioner are not available. But in another case between the parties, the same witnesses were summoned for the same purpose and they have produced the documents. Hence the petitioner wants to produce the certified copies of such

documents along with the depositions of the witnesses. The documents sought to be marked are the certified copies of petition register, Asset register and depositions given by Sub Inspector and Panchayath Secretary. But on perusal of the records of this case especially the witness list filed by Defendant No.5 and the depositions of DW5 and 6, it can be seen that , the claim of the petitioner is not entirely correct. DW5 in this case is the Panchayath Secretary. He deposed that the documents showing the details of commencement of work of Mundu Veedu- Kallapuram road is not available. Instead he has produced the Asset register. DW5 deposed that the asset register does not contain the year of construction. So the petitioner did not sought for marking of the asset register. So from the deposition of DW5 it becomes clear that he had produced the asset register but the petitioner did not sought for marking of the same. It is the same asset register which the petitioner now seeks to mark. The same cannot be allowed at all as the petitioner had already an opportunity to bring in evidence the said asset register. Hence this Court is of the view that the certified copy of asset register cannot be marked now as it amounts to filing up of lacunae in evidence. Likewise, in the case of petition register it is pertinent to note that DW6 was not asked to produce the same. Instead the copy of the petition and it's further proceedings are sought to be produced. The same were not produced because DW6 deposed that such documents will not be retained after 3 years, Now the petitioner wants to mark the certified copy of petition register which was never sought to be produced from her side. The same also is not allowable because it amounts to filing up of lacunae and the respondent will not get an opportunity to

cross examine the witness based on the document. So this Court is of the view that the certified copy of petition register also cannot be marked. With regard to marking of depositions of Sub- Inspector and Panchayath Secretary, the same are not at all relevant in the case on hand. These depositions are made in another case in another context. The petitioner also has not explained as to why those depositions are to be marked. Without any cogent reason, the same also cannot be marked. Hence this Court is of the view that the IA does not have any merits and deserves dismissal. In the result, IA is dismissed.

(Pronounced by me in the open Court on this the 27th day of March, 2026.)

Sd/-
MAHESH M.
ADDITIONAL MUNSIFF

APPENDIX :- NIL

Sd/-
ADDITIONAL MUNSIFF