

IN THE COURT OF THE MUNSIFF, HARIPAD.
Present: Smt. Maneesha K Bhadran., Munsiff
Monday, 23rd JUNE, 2025/2nd Ashada, 1947

IA. No.07/2024 in OS. No.130/2020

Filed on 2.11.2024

Petitioner/ Plaintiff:

Muraleedharan, aged 62 years,
S/o Krishnan Nair,
Thapasya House,
Akamkudi Muri,
Pallippad Village,
Karthikappally Taluk

(By Adv. G. Madhu)

Respondent/ Defendant

S. Prasad, aged 54 years,
Akamkudi Muri,
Pallippad Village

(By Adv. R. Aravindakshan)

This petition having been finally heard on 21.03.2025 and the court on 23.06.2025 passed the following:-

O R D E R

Petition filed by petitioner/plaintiff seeking leave of the court to examine the Public Information Officer of the Office of Additional Devaswom Commissioner, Haripad to furnish documents and be examined as a witness before the examination of plaintiff.

2. **Petition averments in brief are as follows:-** Suit is one for damages.

Letter No.3073 dated 24.12.2019 of Haripad Assistant Devaswom Commissioner

issued to plaintiff, letter No.2342 dated 25.09.2019 issued to Sub Group Officer, Manimangalam and the letter issued by the Sub Group officer, Manimangalam to Kocharayakulangara Temple Advisory committee are necessary for an effective adjudication of the suit. The above documents are in the possession of the Public Information Officer of Additional Devaswom Commissioner, Haripad. The above documents are necessary for effective adjudication of the suit on merits. Hence the petition.

3. Respondent filed objection stiffly opposing the petition. It is contended that plaintiff is attempting to examine the defendants in OS.158/2020 and 175/2020 to prove his case therein. The above petition is without any bonafides and is liable to be dismissed.

4. The following point arise for consideration.

Whether the application is allowable?

5. Heard the learned counsel for petitioner and respondent.

6. **The Point:-** Suit is one for damages. The contention of plaintiff is that defendant has made and published defamatory statements against him and his family. Writ petition No.25612/2019 was filed before Hon'ble High Court of Kerala by plaintiff against the defendant and others with respect to the use of loud speakers at Kocharayakulangara Temple. Pursuant to the receipt of the notice in the writ petition, a letter No.2342 dated 25.09.2019 was issued to the Sub Group Officer of Manimangalam. The said Sub Group Officer upon receipt of the notice issued another letter to the President of the Advisory body of the temple which was widely published

and circulated causing defamation to plaintiff.

7. Plaintiff seeks to examine the public information officer appointed under the Right to Information Act of 2005 directing him to furnish certain documents and give evidence. S.2(f) of the Act defines information "*means any material in any form, including Records, Documents, Memos, e-mails, Opinions, Advices, Press releases, Circulars, Orders, Logbooks, Contracts, Reports, Papers, Samples, Models, Data material held in any electronic form and information relating to any private body which can be accessed by a Public Authority under any other law for the time being in force*". As per S.8 of the Right to Information Act, exemption from disclosure with respect to information is provided. None of the exemptions enumerated in the S.8 of the Act are attracted to the case in hand. In the case in hand the alleged defamatory letters were issued from the office of the Sub Group Officer of the Devaswom. Learned counsel for defendant vehemently argued that plaintiff is attempting to examine an officer of the defendant's office in OS.158/2020 and 175/2020 as a witness to prove his case therein. Considering the nature of the pleadings and the witness to be summoned being a Public Information Officer appointed under the Right to Information Act, I find no merit in the contention. The above documents are essential for an effective adjudication of the suit on merits. Accordingly I find merits in the contention of plaintiff that the above documents are to be brought on record prior to the examination of plaintiff.

In the result, the above petition is allowed. Leave is granted to plaintiff to examine the Public Information Officer, Office of Additional Devaswom

Commissioner, Haripad prior to examination of plaintiff.

Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in Open Court on this the 23rd day of June, 2025.

Sd/-
Maneesha K Bhadran
Munsiff

Appendix:- Nil

Id/-
Munsiff