

IN THE COURT OF THE MUNSIF, KAYAMKULAM

Present: Smt. Aneesa.A, Munsiff

Saturday the 20th day of September, 2025/29th Bhadra, 1947

IA.9/2025 in OS.449/2018

(Filed on 04.07.2025)

Petitioner/Plaintiff:

Kerala State Electricity Board,
Asst.Executive Engineer,
Electrical Sub Division,
Charummood.

(By Adv.G.Ashokkumar)

Respondents/Defendants:

1. Subairkutty, aged 56 yrs,
Meenathethil kizhakkathil,
Ilippakkulam muri,
Kattanam Village.
2. Raseena, aged 50 yrs,
Mother of late.Anas,
Meenathethil kizhakkathil,
Ilippakkulam muri,
Kattanam Village.
3. Ansila, aged 7 yrs, (minor)
D/o.Late.Anas,
Meenathethil kizhakkathil,
Ilippakkulam muri, Kattanam Village.
Rep.by Next friend Grand Father,
Subairkutty, of-do-do-

(By Adv.K.K.Thomas)

This petition is coming on for final hearing on 20.09.2025 and the court of the same day passed the following.

ORDER

This is a petition filed by the Assistant Executive Engineer, Electrical Sub Division, KSEB, Charummoodu under Order X and Rule and S. 151 of the Code of Civil Procedure, 1908 to examine the petitioner instead of the 1st defendant/Secretary, KSEB and to give evidence.

2. The gist of averments in the petition are as follows:-

The petitioner is the Assistant Executive Engineer, KSEB, Charummoodu Sub Division. The petitioner filed the affidavit as per the instruction of the 1st defendant. This case is posted for the evidence of 1st defendant. In this case, the Secretary is represented by KSEB and included in the party array. Although the place where the disputed accident occurred is within the jurisdiction of this petitioner and therefore he is competent and responsible to give statement regarding the facts of this case before the court. Therefore, the Secretary, KSEB is authorized the petitioner to give evidence before the court on behalf of the 1st defendant. In that regard, this petition may be allowed and to allow the petitioner to appear before the court

on behalf of the 1st defendant and to give evidence. If the petition is not allowed, the evidence of the 1st defendant will not be complete. Thus, the petition.

3. **The respondent/1st plaintiff filed objection contending *inter alia* as follows:-** The petition is not maintainable either in law or on facts. The identity of the petitioner in his affidavit is not clear and therefore the affidavit filed along with this petition is liable to be ignored. The above petition cannot be considered in any way on the basis of this affidavit. Therefore the petition is liable to be dismissed.

4. The following points were formulated for consideration:-

1. Whether the petition is allowable?
2. What shall be the order as to reliefs and costs?

5. Heard both sides.

6. **Point No.1:-** The petitioner herein approached this court with this petition for examining him instead of the 1st defendant/KSEB Limited and for giving evidence before the court. The written statement was filed by the 1st defendant, the Secretary (Administration), KSEB Limited, Vydyuthi Bhavanam, Thiruvananthapuram representing the KSEB Limited. Now the petitioner is the Assistant Executive Engineer, Electrical Sub Division,

KSEB, Charummoodu. According to the petitioner, the place of occurrence where the alleged accident was occurred is within his jurisdiction. Hence he is the competent person to give evidence with respect to the alleged incident. Thus the 1st defendant, Secretary, KSEB Limited authorized him to give evidence for and on behalf of him. For interest of justice and for just decision of this case, this petition is allowed and the petitioner is permitted to give evidence for and on behalf of the KSEB Limited. Therefore, point No. 1 is found in favour of the petitioner.

7. **Point No.2:-** In view of my discussions and findings on point No. 1, the petition is liable to be allowed. Point No.2 is also answered in favour of the petitioner.

In the result, the petition stands allowed. The petitioner is permitted to give evidence for and on behalf of the 1st defendant, KSEB Limited. There is no order as to costs.

(Dictated to the confidential assistant, typed by her, corrected and pronounced by me in open court on 20th day of September, 2025)

Sd/-
ANEESA.A,
MUNSIFF

APPENDIX - Nil.

Sd/-
MUNSIFF

// True copy //

Typed by:Shafeek
Compd.by

MUNSIFF