

**IN THE COURT OF THE SUB JUDGE, CHENGANNUR**

**Present :- Smt.Veena.V.S, Sub Judge**

**Monday, the 30<sup>th</sup> March 2026/09<sup>th</sup> Chaithram 1948**

**IA No. 05/2026 in OS 23/2023**

(Filed on 30.03.2026)

**Petitioner/Plaintiff** :- O.J. Joseph, aged 61 years,  
S/o. Joseph, Uruvanchiyil Veetil,  
Puthencavu Muri, Chengannur Village,  
Chengannur Taluk, Alappuzha District.

***(By Adv. P.K.Ajithkumar)***

**Respondents** :- 1. Achamma Alexander, aged 87 years,  
W/o. Alexander, Pullamvilalil Alex Villa,  
Vanmazhi Muri, Pandanadu Village,  
Chengannur Taluk, Alappuzha District.

2. Saramma Thomas, aged 81 years,  
W/o. Thomas Jacob,  
T.C.13/2170-4 K.V.R 251B House,  
Vanchiyoor Muri, Vanchiyoor Village,  
Thiruvananthapuram Taluk,  
Thiruvananthapuram District,  
From Periyathu Veetil, Vanmazhi Muri,  
Pandanadu Village, Chengannur Taluk,  
Alappuzha District.

3. Jiji John, aged 49 years  
W/o. P.T.John, Pulikkottil Veettil,  
Keezhcherimel Muri, Chengannur  
Village, Chengannur Taluk,  
Alappuzha District.
4. P.T.John, aged 60 years,  
S/o. P.N.Thechan, Pulikkottil Veettil,  
Keezhcherimel Muri, Chengannur  
Village, Chengannur Taluk,  
Alappuzha District.
5. Stephen, aged about 30 years,  
S/o.P.T.John, Pulikkottil Veettil,  
Keezhcherimel Muri, Chengannur  
Village, Chengannur Taluk,  
Alappuzha District.
6. Municipality, Chengannur  
Represented by its Secretary,  
Municipal Office, Chengannur.

**(R1 & R2 - By Adv.P.G. Sasidharan Pillai,  
R3, R4 & R5 – By Adv. P.O.Jose,  
R6 – By Adv. George Thomas)**

This petition having been finally heard on 30.03.2026 and this court on the same day passed the following.

**ORDER**

The petition is filed under Section 151 of CPC.

Petition averments in brief are as follows.

2. The petitioner is the plaintiff in the above suit. The suit is for declaration, specific performance of contract and injunction. The copies of the complaints filed by the plaintiff before SHO Chengannur Police Station and District Police Chief Alappuzha were not marked on the ground that those are photocopies and on the objection of the defendants. The documents are highly necessary for the fair disposal of the case, failing which it will cause irreparable injury and hardship to the case of the petitioner.

3. The respondents vehemently objected the additional witness schedule of the plaintiff by contending that the said complaints which were sought to be marked do not have any connection with the present case. According to them those are not necessary for the fair disposal of the case. Hence the petition to accept the witness schedule may be dismissed.

4. From the above petition averments and contentions in the objections the following points were raised for consideration.

1. Whether the prayer in the petition is allowable?
2. Relief and costs?
5. There is no evidence adduced from either side.

6. Heard both sides. Perused the records.

**Point Nos. 1 and 2 :-**

7. The learned counsel for the plaintiff argued that the plaintiff also sought for the relief of mandatory injunction and permanent prohibitory injunction against the respondents as they caused obstructions in the business carrying out by the plaintiff in his rented house. He filed complaints before the police authorities. Hence so as to prove the cause of action and his apprehension for getting permanent prohibitory injunction and mandatory injunction the said documents are necessary. The learned counsels for the respondents vehemently objected the same and contented that the examination of the police officers are not required in this suit for specific performance of contract on the basis of oral agreement.

On perusal of the plaint averments it made clear that the suit is not only for the specific performance of contract but also for declaration, permanent prohibitory injunction and mandatory injunction. In the plaint the plaintiff specifically alleged that the respondents erected boards in the footpath so as to cause obstructions in the business carrying on in the petition schedule rooms and sought the relief of mandatory injunction as well as permanent prohibitory injunction. The plaintiff has every right to adduce evidence for substantiating his case in the plaint. But the oral evidence of SHO Chengannur Police Station or District Police Chief Alappuzha are not sufficient to prove the content in the complaints alleged to be

filed by the plaintiff. So considering the facts and issues involved in the case I hold that by issuing summons to them for appearing personally to give oral evidence is not at all found necessary in this case. However, summons can be issued to produce the certified copies of the complaints alleged to be filed by the plaintiff. Thus, the petition is partly allowed.

Dictated to the confidential Assistant, transcribed and typed by her, corrected by me and pronounced in Open Court on this the 30<sup>th</sup> day of March 2026.

Sd/-  
**Veena. V.S**  
**Sub Judge**

**Appendix: Nil**

Id/-  
**Sub Judge**

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**Sub Judge**

Typed By: Sandhya  
Comped By: Anjali