

IN THE COURT OF THE SUB JUDGE, CHENGANNUR**Present: Smt. Veena.V.S, Sub Judge****Tuesday, 03rd February 2026 /14th Makha 1947****IA No.01/2026 in OS No. 24/2024**

(Filed on: 02.02.2026)

Petitioner/Plaintiff:-

Santhosh Oommen, @ Santhosh P. Oommen,
Painummoottil Veedu, Thittamel Muri,
Chengannur Village, Now residing at
SANTHOSH OOMMEN, 1102,
SHEAR WATER IN GARLAND,
TEXAS, 75043, U.S.A,
Represented by Power of Attorney Holder
Mohanan Pillai. R, S/o. Ramakrishna Pillai,
Mohan Villa, Budhanoor P O,
Ennackadu Village, Chengannur Taluk,
PIN – 689510.

(By Adv. Kosy Thomas)

Respondents/**Defendants**

- :-**
1. Salomi Thomas, aged 51 years,
Anjilimootttil Veedu, Cherukol Muri,
Ezhakadavu P O, PIN – 609104,
Chennithala Village, Mavelikkara Taluk,
Residing at SALOMY THOMAS,
2537, EREC DR, THE COLONY, TEXAS,
75056, U.S.A.
 2. Thomas Joboy Philip,
Anjilimootttil Veedu, Cherukol Muri,
Ezhakadavu P O, PIN – 609104,
Chennithala Village, Mavelikkara Taluk,

Residing at SALOMY THOMAS,
2537, EREC DR, THE COLONY, TEXAS,
75056, U.S.A.

(D1,D2 - Adv. Jaison John)

This Petition coming on for hearing on 03.02.2026 and this court on same day passed the following.

ORDER

The petition is filed under Order XVI Rule 1 CPC.

Petition averments in brief are as follows:-

2. The petitioner is the Power of Attorney Holder of the plaintiff in the above case. The petition is to accept the witness schedule by condoning the delay and issue summons to the witness in the witness schedule. There are 11 witnesses in the witness schedule. The petitioner submitted to produce witness No.1 to 3 and witness No. 9 to 11 and requested to issue summons to witness No.4 Sub Registrar Chengannur, Village Officer Chengannur, Head Clerk Revenue Divisional Office Chengannur, Salin Koshy Peringattumpallil Chengannur and Advocate Ishan M.S, Commissioner, Chengannur. He also requested to direct witness No.4 to 7 to produce certain documents from their office.

3. The respondent filed objection by contending that the petition is not at all maintainable as the reason for causing delay is not mentioned in the petition. There is no necessity mentioned in the petition for issuing summons to witness No.4 to 7 who have no connection with the present case. The petition is only intended to causing

inconvenience and wasting of time of government officials by examining the said officials as a witness in this case.

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

5. Heard both sides. Perused the records.

Point Nos. 1 and 2 :-

6. The petitioner is the Power of Attorney Holder of the plaintiff in the above case. During trial, the plaintiff filed a witness schedule containing 11 witnesses and the defendant contented that examination of most of the witnesses are unnecessary and their evidence are not sufficient to prove or disprove any issue involved in this case.

7. The suit is for setting aside the settlement deeds, partition of plaintiff schedule properties and the consequential relief of cancellation of mutation and permanent prohibitory injunction. In the plaint, the plaintiff challenged the settlement deeds executed by his mother and his sister. His mother is the 3rd defendant and his sister is the 1st defendant in this case. In the plaint the plaintiff alleged that after the death of his father, the 1st and the 3rd defendants executed Settlement Deed vide No. 2314/15 in favour of the plaintiff and the 3rd defendant executed a Settlement Deed vide No. 809/2015 in favour of the 1st defendant. His sole allegation

for challenging the said documents is that the 3rd defendant has only ½ right over the plaintiff schedule property and she has no right to execute the aforementioned settlement deeds in favour of the plaintiff and the 1st defendant. Because along with the 3rd defendant, the plaintiff and the 1st defendant are the legal heirs of deceased Ommen who is the father of the plaintiff and the 1st defendant and the husband of the 3rd defendant. He does not challenge the genuinity of the documents or its execution on the grounds of fraud, undue influence, coercion or impersonation. He does not have a case in the plaint that any malpractice was committed at the time of the execution and registration of the said documents. So what is to be adjudicated in this case is whether the 3rd defendant has any right to execute the disputed settlement deeds in favour of the plaintiff and the 1st defendant and whether she transferred the share of property in favour of her children (the plaintiff and the 1st defendant) by exceeding her interest over the same while executing the said documents. So for adjudicating the said issue regarding the extent of the right of the 3rd defendant to execute the disputed settlement deeds, there is no need to issue summons to the Sub Registrar of SRO Chengannur to appear before the court along with copies of the disputed documents and its prior deed along with all the registers in connection with the registration of the documents.

8. When the plaintiff was examined as PW1, he categorically deposed before the court that the said documents were executed without his knowledge and thereby he challenged the same. He does not have a case even in the plaint or during trial that

the said documents were not executed by his mother. Since the plaintiff did not plead any suspicious circumstances in the registration of the disputed documents before the Sub Registrar, Chengannur, I do not find any reason to examine the Sub Registrar, Chengannur as a witness in this case. The disputed documents and its prior document have already been produced before the court and marked the said documents from the side of the plaintiff itself. At this juncture, I do not find any reason to drag the Sub Registrar, Chengannur unnecessarily into the present case as a witness by issuing summons to him.

9. Regarding the witness No.5 who is the Village Officer Chengannur, the production of revenue records are found necessary as there is a prayer to cancel the mutation effected on the strength of the disputed documents.

10. Witness No. 6 is the Head Clerk, Revenue Divisional Office Chengannur with a prayer to produce the complaint filed by the 3rd defendant before Revenue Divisional Office along with the case proceedings before RDO. The plaintiff in the plaint alleged that the 3rd defendant who is his mother filed a complaint before RDO. The 3rd defendant in her written statment admitted the said fact. Admitted facts need not be proved. Moreover, the plaintiff could not give any satisfactory reason why the said complaint is to be produced before the court as for adjudicating the fact in issue involved in this case, the said document is not at all relevant. A document is admissible only if it suggests any connection with the relevant fact or fact in issue

involved in the suit. At this juncture, I do not find any necessary to examine the Head Clerk of Revenue Divisional Office as a witness in this case. Moreover, the plaintiff can produce the certified copy of the said documents if those are necessary to prove or disprove any relevant fact involved in this case. So I am not inclined to issue summons to witness No.6.

11. As far as witness No.7 is concerned, the plaintiff requested to issue summons to witness No.7 to produce the Power of Attorney executed by 3rd defendant in her favour. Interestingly, the plaintiff himself produced the original Power of Attorney executed by 3rd defendant in favour of witness No.7. Further PW1 the plaintiff, during trial admitted that the said Power of Attorney has been in his possession from the date of execution. Since the marking of the said document is objected by the defendant, the said document was marked as Exbt. A5 subject to the objection. At this juncture, if summons is not issued to witness No.7 prejudice will be caused to the case of the plaintiff.

12. The plaintiff has arrayed 1st and the 2nd defendants as the witness of the plaintiff in the witness schedule. Since they are the contesting defendants, they cannot be compelled to appear before the court as the witness of the plaintiff. So summons cannot be issued to witness No. 9 and 10 who are the contesting defendants in this case.

From the above discussion, I hold that the petition is partly allowed. Issuance of summons to witness No.4 and witness No.6 are found unnecessary and thereby

summons need not be issued to witness No.4 and witness No.6. Law does not permit to issue summons to witness No. 9 and 10 who are the contesting defendants in this case. However, summons can be issued to witness No. 5, 7 and 8. The plaintiff is directed to produce witness No. 11. Thus the petition is disposed of. No order as to costs.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in the open court on this day, 3rd February 2026)

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

Appendix : Nil

Sub Judge