

IN THE COURT OF THE MUNSIFF, KOCHI

Present :-

Smt. Simi P Siju, Additional Munsiff

Friday, the 10th day of April, 2026/ 20th Chaithram, 1948

I. A No. 6/2026 in O.S. No. 5/2026

Petitioner/Defendant:-

K P Abhishek, S/o.Late.Padmanabhan, aged 49 years, Kuzhikkaledath House, Puthuvype Village, Azheekkal Kara, Kochi Taluk, Ernakulam District-682508

By Advs. C P Jyothi, C P Rajesh & Abhirami K B

Respondent/ Plaintiff:-

K P Abhilash, S/o.Late.Padmanabhan, aged 50 years, Kuzhikkaledath House, Near Karuthedam Co.op Bank, Puthuvype Village, Azheekkal Kara, Kochi Taluk, Ernakulam District-682508

By Adv. P Ravindranath & R Divakaran

This petition come up for hearing before me on 08.04.2026 and the court on 10.04.2026 passed the following:-

ORDER

This is an application filed under Sec.151 of the Code of Civil Procedure 1908 by the petitioner seeking a direction to the respondent/plaintiff to produce the income details of the ice factory situated in the plaint schedule property, and also seeking a direction to the respondent/plaintiff to pay an amount of ₹8,00,000/- per month from 11.02.2026 onwards towards alleged rent for use of the petitioner's building and machineries.

2. The averments in the petition in brief are as follows:- The petitioner is the defendant in the above suit. The above case has been filed by the plaintiff seeking to restrain the petitioner from entering into the plaint schedule property. Under the guise of a temporary injunction granted by this Hon'ble Court, the plaintiff has begun to collect income from the ice factory situated in the plaint schedule property. In fact, the ice factory and the machineries therein belong to the petitioner, as evidenced by Document No. 1690/1/2025 of SRO, Njarakkal.

3. The plaintiff has filed the suit by suppressing this material fact and without producing any documentary evidence. From 11.02.2026 onwards, the plaintiff has been collecting the entire income from the ice factory, disregarding the fact that the petitioner is the owner of the plaint schedule property, including the building and machinery.

4. At present, the plaintiff is collecting an amount of ₹75,000 per day by conducting the ice factory. In the year 2025, the electricity bill amounted to ₹2,25,000. Now, this Hon'ble Court has permitted the plaintiff to conduct the operations without considering the petitioner's ownership and possession of the building and machinery therein.

5. In fact, the plaintiff is using the petitioner's machinery, building, and electricity connection free of cost. The petitioner had purchased the building and machineries by selling the gold ornaments of his wife and relatives and by borrowing huge amounts from financial institutions and relatives. At present, the petitioner is not in a position to pay the interest on bank loans and personal loans.

6. As the ice factory is being conducted by the plaintiff under the guise of the temporary order of this Hon'ble Court, and since the petitioner is the absolute owner of the ice plant, the petitioner is entitled to derive the benefit from the same. However, the plaintiff is presently enjoying the business of the petitioner's ice factory free of cost. Therefore, it is highly necessary to issue a direction to the respondent/plaintiff to produce the income details of the ice factory, including electricity bills. Moreover, the petitioner is entitled to receive rent for the use of his machinery and building, which amounts to ₹8,00,000 per month. Without the same, the petitioner is unable to sustain himself. Hence the petition.

7. The respondent filed objection and contenting as follows: The above suit has been filed seeking permanent prohibitory injunction. The

Friends Enterprise (ice plant) was started by the respondent by investing his own funds, and the licence, registration, and all statutory permissions from the Central and State Governments stand in his name. The above petition has been filed by the petitioners seeking a direction to produce documents relating to the monthly income and other particulars pertaining to “Friends Enterprise” (ice plant), which is owned by the respondent/plaintiff. The petitioners have also sought a direction to pay an amount of ₹8,00,000 per month as rent for the business owned and run by the respondent/plaintiff. The suit is one for injunction alone. There is no joint business between the plaintiff and the defendant. The petitioner/defendant has no right whatsoever over the documents or accounts of the respondent/plaintiff, nor is he entitled to demand any amount.

8. The points arise for consideration:-

1. Whether the petition can be allowed?
2. Reliefs and costs?

9. Heard both sides. Perused petition, objection and case records.

10. **Point No.1:-**The present petition is filed by the defendant

seeking a direction to the respondent/plaintiff to produce the income details of the ice factory situated in the plaint schedule property, including electricity bills showing the monthly income of the business, and also seeking a direction to the respondent/plaintiff to pay an amount of ₹8,00,000/- per month from 11.02.2026 onwards towards alleged rent for use of the petitioner's building and machineries. The specific case of the petitioner/defendant is that the plaintiff has instituted the suit for prohibitory injunction restraining the petitioner from entering into the plaint schedule property. According to the petitioner, under the guise of the temporary injunction order granted by this Court, the plaintiff has started collecting income from the ice factory functioning in the plaint schedule property. It is contended that the ice factory, building, machineries and electric connection belong to the petitioner as per Document No.1690/1/2025 of SRO, Njarakkal. The petitioner alleges that the plaintiff suppressed these material facts while instituting the suit. It is further submitted that the plaintiff is now conducting the ice factory and earning substantial income without paying anything to the petitioner, while the petitioner is burdened with repayment of bank loans and personal borrowings allegedly incurred for purchasing the building and machineries. Hence, the petitioner seeks production of accounts and payment of monthly compensation.

11. On the other hand, the respondent/plaintiff filed an objection contending that the suit is one for permanent prohibitory injunction alone. According to the respondent, “Friends Enterprise Ice Plant” was started by the respondent by investing his own funds, and all licence, registration and statutory permissions issued by the Central and State Governments stand in his name. It is specifically denied that there exists any joint business between the parties. The respondent further contends that the petitioner/defendant has no legal right over the business accounts or documents of the respondent/plaintiff, nor any right to demand monthly payment as claimed. This court considered the rival submissions made by the parties. Admittedly, the present suit is filed for permanent prohibitory injunction. The reliefs sought in the interlocutory petition relate to production of business accounts, electricity bills, monthly income details and payment of alleged rent/compensation for use of building and machineries. Such claims involve disputed questions regarding title, ownership, possession, nature of business, entitlement over profits, and alleged liability to pay compensation. These matters require proper adjudication on evidence and cannot be summarily determined in an interlocutory application filed in a suit for injunction simpliciter. The necessity of

production of the aforementioned documents can be adjudicated at the time of trial or after the trial. Further, the petitioner seeks substantially independent monetary relief amounting to ₹8,00,000/- per month, which is beyond the scope of the instant suit. If the petitioner has any independent claim regarding ownership, mesne profits, compensation, or use and occupation charges, the proper remedy is to establish such rights in appropriate proceedings in accordance with law. In the above circumstances, this Court finds no merit in the petition.

In the result, the petition is dismissed.

(Typed by me, corrected and pronounced by me in open Court on this the 10th day of April 2026.)

Sd/-
Simi P Siju
Additional Munsiff

APPENDIX : Nil

Id/-
Additional Munsiff

//True Copy//

Additional Munsiff

O R D E R

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Dated : 10.04.2026