

IN THE COURT OF THE PRINCIPAL MUNSIF, KOCHI

Present:

Sri. Nishad Ibrahim., Principal MunsiffMonday, the 23rd day of September, 2024/1st Aswina, 1946.**I.A No.6/2024 in O.S No.261/2022****Petitioner/Plaintiff:-**

	Shaji P.K., aged 61 years, S/o. Kunjappan, Payyapilli House, Nedungadu Kara, Ward No.5, Nayarambalam P.O., Pin – 682 509, Ernakulam District.
	By Advs. T.N. Suresh, Monsy K.V., Korah Joy, Dhanuja Vettathu & Ashis A.

Respondent/Defendant:-

	Sankaran, aged 62 years, S/o.Chatthunny, Payyapilli House, Nedungadu Kara, Ward No.5, Nayarambalam P.O., Pin – 682 509, Ernakulam District.
	By Advs. Rapheeqe C.K., Nidhin Kumar K.B., Vidya C.V., Vijeendra Chandran, Shekha Siyad, Seega Joy, Chithra S. & Nidhin K.N.

This petition filed under Order 18, Rule 17 r/w Section 151 of the Code of Civil Procedure to pass an order to recall the petitioner/PW1 to further examination to mark the certified copy of the asset register issued by the Secretary, Nayarambalam Grama Panchayath to show and prove the existence of the Panchayath road during 1995 on the western side of the B schedule property secure and having been heard on 23.09.2024 and the court on the same day, passed the following:-

ORDER

Petition filed by the plaintiff in the suit under Order 18 Rule 17 r/w Section 151 of Code of Civil Procedure to recall PW1 for further examination to mark the certified copy of the Asset Register issued by the Secretary, Nayarambalam Grama Panchayat.

2. Heard both sides.

3. According to the petitioner, during his cross examination, the respondent/defendant had specifically suggested that the panchayat road lying on the western side of the B schedule property has been formed recently. According to him, his definite case was that he was using the plaint C schedule pathway and the panchayat road from 1992 onwards. The learned counsel for the petitioner argued that the document sought to be produced in evidence was very material to decide the dispute involved in the case.

4. On the other hand, the learned counsel for the respondent/defendant argued that since the document was issued by the Panchayat Secretary, the same can be marked only through the secretary and not through the petitioner/ PW1.

5. It may be noted that the document sought to be produced is the certified copy of the Asset Register of the Nayarambalam Grama Panchayat. Hence prima facie, it is clear that the said document is a public document.

6. In the above circumstances, I am of the view that the petition is liable to be allowed for the just disposal of the dispute.

In the result, the IA is allowed as follows:-

1. PW1 is recalled for further examination for the purpose stated in the petition.
2. No order as to costs.

Pronounced by me in open court on this the 23rd day of September, 2024.

Sd/-
Nishad Ibrahim
Principal Munsiff

APPENDIX:- Nil

Id/-
Principal Munsiff

/// True Copy ///

Principal Munsiff

**Order in
I.A No.6/2024 in
O.S No.261/2022
Dtd: 23.09.2024**