

IN THE COURT OF THE MUNSIF, KOCHI

**Present :-
Smt. Simi P Siju, Additional Munsiff**

Wednesday the 17th day of December, 2025/ 26th Agrahayana, 1947

I A No. 5/2025 in OS No. 271/2024

Petitioners/Defendants No. 1 to 4:-

- 1 Maruvakkadu Padashekara Karshaka Union, Chellanam PO, Kochi-08
- 2 A T Charles, President, Maruvakkadu Padashekara Karshaka Union, Chellanam PO, Kochi-08
- 3 P M Rajeev, Treasurer, Maruvakkadu Padashekara Karshaka Union, Chellanam PO, Kochi-08
- 4 V L Augustine, Committee Member, Maruvakkadu Padashekara Karshaka Union, Chellanam PO, Kochi-08

By Advs. A Anilkumar, Balamuralikrishna C U,
Mohamed Nazeer P S & Mary Crescent

Respondent/Plaintiff:-

Jacob K J, aged 67 years, S/o. Joseph, Kaithavalappil House,
Maruvakkad, North Chellanam, Chellanam PO, Pin-682008

By Advs. K P Shibu, Sulekha P A, Harishma P K,
Simmy Joseph, Soorya Shenoy & Aparna Kanak

This petition is come up for hearing before me on 08.12.2025 and the court on 17.12.2025 passed the following:-

ORDER

Petition for joint trial.

2. Petitioner's contentions to summarize, is as follows:-

Petitioner is the 2nd defendant in the above case. The above case is filed for realization of money. The suit was listed for trial to 09.09.2025 and the same is removed from the list as per Order in IA.4/2025 dated 09.09.2025. There is another suit OS.214/2024, again for realization of money from the very same defendants, pending disposal. The said suit is filed by the daughter of the plaintiff herein for realizing Rs.6 lakhs with interest. The said suit is ripened for payment of BCF and PTS if any. The contentions of these defendants in both the suits are one and same. The defendant's contentions are that, the plaintiff herein was the secretary of the 1st defendant associations for the period 2019-2023. He was the person responsible for maintaining documents of the 1st defendant. The further contention of the defendants are that, the plaintiff has manipulated the accounts book of the 1st defendant association and fabricated the owes the plaintiff claims of both the suits. To prove the case of these defendants in both the suits, the documentary evidence is none and same. Therefore, it will be proper to order joint trial of OS.214/2024 along with the above suit for convenience of these defendants in adduced evidence and to save the precious time of this court. Therefore the same may be ordered to be jointly tried with

OS.214/2024.

3. The respondent/plaintiff filed counter stating that the above petition is not maintainable either in law or on facts. The petitioner/defendant has no right to file the above petition. But the subject matter of the above suit in OS.214/2024 are not one and the same. In both the suit plaintiffs are also different persons and cause of actions are also different. Moreover whatever be the claim raised by the defendants in OS.214/2024, is not binding upon him and the plaintiff claim in this case and OS.214/2024 are not one and the same character. Without prejudice to the above contentions, it is most humbly submitting that in the written statement the defendants have no such contentions that the transactions and evidence to be adduced are one and the same. It is pertinent to note that the defendants in the case filed the written statement on 10.04.2025. Even then nowhere in the written statement the defendants had stated about the suit OS.214/2024. There are no elements to allow joint trial of the above suit with OS.214/2024 only because of the sole reason that the defendants are one and the same. If the joint trial of the aforesaid cases is allowed, the same will cause much prejudice to the plaintiffs therein. The documents produced and witnesses to be examined on the part of the plaintiffs in both the suits are distinct and separate as the transaction

are different. Hence the petition may be dismissed.

4. Heard both sides.

5. The following point arise for consideration:-

(i) Whether there is any ground to allow this petition?

(ii) Reliefs and costs ?

6. Heard both sides.

7. **Point No.(i) and (ii):**_ The specific case of the petitioner is that both suits are for realization of money from the same defendants. The contentions of the defendants in both suits are alleged to be identical, claiming that the plaintiff, as secretary of the 1st defendant association for the period 2019–2023, manipulated accounts and fabricated claims in both suits. It is further submitted that the documentary evidence to support the defendant's contentions is the same in both suits. The petitioner therefore seeks a joint trial for convenience and to save judicial time.

8. The respondent/plaintiff has filed a counter stating that the petition is not maintainable in law or on facts. The plaintiff contends that the subject matter, plaintiffs, and causes of action in the two suits are different. Further, the written statement filed by the

defendants on 10.04.2025 does not indicate that the transactions or evidence in the two suits are identical. The plaintiff also submits that allowing a joint trial would prejudice the plaintiffs, as the documents produced and witnesses to be examined in each suit are distinct and separate.

9. Upon consideration of the submissions and perusal of the records, it is observed that the transactions and reliefs claimed in the present suit and OS.214/2024 are identical and the plaintiff in both the suits are father and daughter respectively. The facts are one and the same, though the amounts alleged in both the plaints are different. Moreover, the defendants in both the suits are one and the same and also the contentions urged by the defendants in both the suits are also one and the same. This being the scenario, merely because the alleged amount in both the suits are different is not a reason to disallow the joint trial petition. Also, joint trials in the present facts and circumstances, will facilitate efficient disposal of the cases and prevent multiplicity of proceedings. However, each party shall be allowed to adduce its own evidence distinctly for each suit to ensure no prejudice is caused.

In the result, the petition is allowed. O.S. No.271/2024 shall be treated as the leading case, and O.S. No.214/2024 shall be tried jointly along with it. No costs.

(Dictated to Confidential Assistant, transcribed by her, corrected and pronounced by me in the open court on this the 17th day of December 2025.

Sd/-

**Simi P Siju
Additional Munsiff**

APPENDIX : NIL

Id/-

Additional Munsiff

//True Copy//

Additional Munsiff

SS
compd by:

O R D E R

I.A. No.5/2025

O.S. No.271/2024

Dated : 17.12.2025