

**IN THE COURT OF THE CIVIL JUDGE (SENIOR DIVISION),  
MUVATTUPUZHA**

Present:- Sri. Atheek Rahman, Civil Judge (Senior Division)

Wednesday, the 17<sup>th</sup> day of September, 2025 / 26<sup>th</sup> Bhadra 1947

**I.A.No. 18/2025 in O.S No.23/2022**

**Petitioners/ Plaintiffs 2 and 3:-**

- 1 Ameer T.A, aged 45 years,  
S/o Abdulkhader and residing at  
Thoppikkudiyil House, Perumattam Kara,  
Puthuppady P.O, Velloorkunnam Village,  
Muvattupuzha Taluk.
- 2 Fathima Abdulkhader, aged 66 years,  
W/o Abdulkhader and residing at  
Thoppikkudiyil House, Perumattam Kara,  
Puthuppady P.O, Velloorkunnam Village,  
Muvattupuzha Taluk.

***By Advs. Jijo Joseph, Rahim P.M, Nisamol P.H  
& P.K. Shymy.***

**Respondents/Defendants:-**

- 1 Nabeesa, aged about 65 years,  
W/o Sainudheen and residing at  
Thoppikudy@ Cheriyanjiyil House,  
Perumattam Kara, Puthuppady P.O,  
Velloorkunnam Village, Muvattupuzha Taluk  
and now residing at Anicadu Kara,  
Muvattupuzha Village, Muvattupuzha Taluk.

- 2 Roobiya, aged about 25 years,  
D/o Sainudheen and residing at  
Thoppikudy@ Cheriyanjiyil House,  
Perumattam Kara, Puthuppady P.O,  
Velloorkunnam Village, Muvattupuzha Taluk  
and now residing at Anicadu Kara,  
Muvattupuzha Village, Muvattupuzha Taluk.
  
- 3 Suhara Salim, aged 49 years,  
D/o Abdulkhader and residing at  
Thoppikudiyil House, Perumattam Kara,  
Puthuppady P.O, Velloorkunnam Village,  
Muvattupuzha Taluk and now residing at  
W/o Muhammed Salim, Chettisseriyil House,  
(Vavanapuram House), Aarpookara Kara,  
Aarpookara Village, Kottayam Taluk,  
Medical College, Gandhi Nagar P.O,  
Kottayam District, Pin : 686008.

***R1 & R2 – By Adv. H. Najumudeen, Antony Shyju  
& Sherin Achu Ninan.***

***R3 – No Vakalath.***

This petition is filed under Section 151 of Civil Procedure Code 1908, to accept the document and admit the document in evidence and may be marked as Exhibit A-10 and is coming on for final hearing on 16.09.2025 in the presence of the above counsel and the Court on 17<sup>th</sup> day of September 2025 passed the following:-

## **ORDER**

This petition is filed by the counsel for the petitioners/additional plaintiffs 2 and 3, under Section 151 of the CPC, to accept a document and to admit it in evidence as Ext. A10. The petition is supported by an affidavit sworn by the 2<sup>nd</sup> plaintiff.

2. Brief averments in the affidavit in support of the petition are as follows: Suit is for partition. The plaint A schedule property was obtained by Sainudheen as D schedule in partition deed No. 2271/1995 of SRO Muvattupuzha. The certified copy of the said deed was marked as Ext.A1. The original plaintiff, father of the petitioner, also obtained B schedule under the partition deed. The duplicates of the said deed were registered, and all the parties thereto obtained duplicate copy. During cross-examination of PW1, the defendants asked a question regarding the partition deed and also asked whether PW1 was ready to produce the original of the deed. Since the defendants did not deny the title of Sainudheen over the plaint schedule property, the petitioner has already produced the certified copy. As the defendants tried to draw an adverse inference against the petitioners for non-production of the document, it is highly necessary to accept the document filed along with

the petition and to mark the same as an exhibit. The petitioners have only now received legal advice that the said document is necessary. There is no willful laches or negligence on the part of the petitioners in not filing the document earlier. Unless and until the document is accepted, and admitted in evidence and marked as an exhibit, the petitioners will be put to irreparable injury and hardship. Hence, the petition.

3. The counsel for the defendants 1 and 2 filed objection stating that the petition is not maintainable either in law or on facts. The evidence of PW1 in the above numbered case is almost complete, and the advocate commissioner has filed the report before the court. After completing the evidence, the petitioners filed the petition to produce the document and marked the same as an exhibit. The reason stated in the affidavit is that the counsel for the respondents put a question regarding Ext.A10, and in order to avoid an adverse inference, the petitioners seek to produce original title deed. After the completion of the evidence, and without permission to re-open the evidence of the petitioners, producing the document is not proper. No list of document is served to these respondents. The object of the production of the

document is not mentioned in the affidavit. Hence, the document produced by the petitioners shall not be accepted after the completion of evidence. The certified copy of the original title deed is not a duplicate of the original, and certain contents in the original title deed are not included in the certified copy. Hence, the respondents prayed to dismiss the petition.

4. Both sides were heard.

5. I have perused the records. The case is included in the special list, and it is posted for further evidence of the plaintiffs. PW1 was examined through advocate commissioner on 13.08.2025, and Exts.A1 to A9 documents were marked. Ext.A1 is the certified copy of partition deed No. 2271/1995 of SRO Muvattupuzha. According to the petitioners, during cross-examination of PW1, the learned counsel for the defendants asked whether he is ready to produce the original of the partition deed. It is further contended that, as the defendants did not deny the title of the original plaintiff over the plaint schedule property, only certified copy was produced. At the time of registration of the partition deed, duplicate copies were also registered and handed over to

the parties to the document. In order to avoid an adverse inference, it is highly essential to produce the registered duplicate copy before the court.

6. During the hearing, the learned counsel for the defendants admitted that such a question was asked to PW1. However, he objected to the petition contending that the plaintiffs had suppressed the document at the time of filing of suit. Moreover, the examination of PW1 has been completed. The document was produced only after completion of PW1's examination. No list of document has been furnished to the respondents. Furthermore, while the original partition deed contains the signatures of the executants, the signatures are absent in Ext.A1.

7. In the 3<sup>rd</sup> page of the cross-examination of PW1, it is seen that the learned counsel for the defendants questioned regarding the original of the partition deed. The learned counsel for the defendants further asked whether PW1 has any hindrance in producing the partition deed, to which PW1 replied in negative. Based on the said question, the petitioners produced the registered duplicate copy of the

partition deed. Ext.A1 is the certified copy of the partition deed obtained from the registrar's office. The registration of partition deed has not been disputed by the defendants in their written statement. Therefore, the contention of the learned counsel for the defendants that while the original deed contains the signatures of the executants, the signatures are absent in Ext. A1 has no due force and only to be discarded. Both in Ext.A1 and the duplicate copy produced clearly mentions regarding the registration of additional copies of the partition deed.

8. The learned counsel for the defendants submitted that no petition has been filed to re-open the evidence of the plaintiffs. But, the evidence of the plaintiffs has not yet been closed. As the certified copy of the document was marked in evidence as Ext. A1, I am of the view that there is no bar to marking the duplicate copy of the deed now produced based on the cross-examination of PW1. Nevertheless, since the defendants have objected to the marking of the document, it can be marked only through the witness. Instead of praying to recall PW1 for the purpose of marking the document, the petitioners have sought to admit the document and mark it as Ext. A10, which cannot be accepted.

Furthermore, no proper document list is seen to have been filed, as contended by the learned counsel for the defendants. Therefore, I am of the view that the above petition cannot be allowed for the reasons stated above.

In the result, the petition is dismissed. No costs. However, this order shall not be operated as a bar to filing a proper petition.

*Dictated to the Confidential Assistant, typed by her directly into computer, corrected by me and pronounced in the Open Court on this the 17<sup>th</sup> day of September 2025.*

Sd/-  
ATHEEK RAHMAN  
CIVIL JUDGE(SENIOR DIVISION)

**APPENDIX :- Nil**

Sd/-  
CIVIL JUDGE(SENIOR DIVISION)

Ss/-

Bmm/-

I.A.No.18/2025  
in OS 23/2022

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**Order**  
**in I.A. No.18/2025**  
**in O.S. 23/2022**  
**Dated: 17.09.2025**