

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

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

Saturday, the 25th day of October, 2025 / 3rd Karthika 1947

I.A.No.3/2025 & I.A. No. 5/2025 in O.S. No. 37/2022

I.A.No.3/2025

Petitioner/Plaintiff:-

Yaseena Azeez, D/o Kuruppathadathil Azeez,
aged 20 years, Kizhakkekara Kara,
Muvattupuzha Village, Muvattupuzha Taluk
represented by her Power of Attorney Holder
Azeez S/o Saithumammed, aged 50 years,
Kuruppathadathil Veedu, Kizhakkekara Kara,
Muvattupuzha Village, Muvattupuzha Taluk.

By Adv. N Ramesh & Raju P V

Respondents/Defendants:-

- 1 Muvattupuzha Nirmalamatha Church
represented by its Vicar, Near Nirmala College,
Muvattupuzha Kara, Muvattupuzha Village,
Muvattupuzha Taluk.
- 2 Rev:Father: Sottar Peeringarappilly,
aged about 55 years, Vicar of Muvattupuzha South
Niramalamatha Church, Muvattupuzha Kara,
Muvattupuzha Village, Muvattupuzha Taluk.

- 3 George, aged about 55 years,
S/o Methipparayil Kurian Mavinchuvad Bhagom,
Muvattupuzha Kara, Trustee of Nirmalamatha Church.
- 4 John aged about 55 years, S/o Lonappan,
Panokkaran Veedu, residing at
near NEST Muvattupuzha Kara
- 5 Tomy aged about 55 years,
S/o Joseph, Mar Basil Veedu,
Kizhakkekara Kara, Muvattupuzha Village.

By Advs. Paul Mathew & Babitha T.H

I.A. No. 5/2025

Petitioner/Plaintiff:-

Yaseena Azeez, D/o Azeez,
Kuruppathadathil, Kizhakkekara Kara,
Muvattupuzha Village.

By Adv. N Ramesh & Raju P V

Respondents/Defendants:-

- 1 Muvattupuzha Nirmalamatha Church
represented by its Vicar, Muvattupuzha Kara,
Muvattupuzha Village,
- 2 Father: Sottar Peeringarappilly,
Vicar of Muvattupuzha Niramalamatha Church,
Muvattupuzha Kara, Muvattupuzha Village,

- 3 George, S/o Methipparayil Kurian ,
Trustee of Nirmalamatha Church.
Mavinchuvad Bhagom, Muvattupuzha Kara,
Muvattupuzha Village.
- 4 John aged about 55 years, S/o Lonappan,
Panokkaran Veedu,
Near NEST, Muvattupuzha Kara
- 5 Tomy, S/o Joseph, Mar Basil Veedu,
Kizhakkekara Kara, Muvattupuzha Village.

By Advs. Paul Mathew & Babitha T.H

These petitions are filed under Section 151 of Civil Procedure Code and is coming on for final hearing on 17.10.2025 in the presence of the above counsel and the Court on 25th day of October 2025 passed the following:-

COMMON ORDER

IA 03/2025 is filed by the petitioner/plaintiff under Section 151 of the Code of Civil Procedure, to remit the medical certificate No. MRL 6275/2024, dated 22.01.2025, issued by the Medical Board, Muvattupuzha, to cure defects. IA 05/2025 is also filed by the petitioner/plaintiff under Section 151 of the Code of Civil Procedure,

seeking a direction to the Superintendent, General Hospital, Muvattupuzha, to submit a report regarding the disfiguration of the petitioner's left thigh caused by plastic surgery. Both petitions are supported by an affidavit sworn by the petitioner/plaintiff.

2. In the affidavit filed in support of IA 03/2025, it is averred that, due to the respondent's negligence in an ammunition blast, the petitioner sustained injuries, and the suit has been filed seeking damages. As per the order of this Court in IA 01/2024, the Medical Board constituted at the Government Hospital, Muvattupuzha, examined the petitioner and issued a disability certificate dated 22.01.2025. However, in the certificate, the name of the petitioner is shown as Smt. Yasina Assiz instead of Yaseena Azeez, and the portion for the father's name is left blank. In the 4th line, it is shown as Road Traffic Accident instead of Ammunition Accident. That apart, in the 3rd page, the date of the validity of the certificate is shown as 21.01.2025 and it is to be corrected as

21.01.2030. Hence, the certificate is to be returned to cure the said defects.

3. In the affidavit filed in support of IA 05/2025, it is stated that certain defects have occurred in the certificate issued by the Medical Board, and that IA 03/2025 has been filed by the petitioner for remitting the report is pending. In the incident, the petitioner completely lost her left palm. During the course of treatment, the petitioner underwent plastic surgery, during which her tissue was taken from her left thigh. As a result, disfiguration occurred on the left thigh. The petitioner contended that it would affect her marriage prospects. Hence, it is highly essential to ascertain the said facts. Therefore, a direction shall be issued to the Superintendent, General Hospital, Muvattupuzha to verify the facts and submit a report.

4. The respondents filed counter affidavits, sworn by the 3rd respondent, in both the petitions, and wherein it is contended that the petitions are not maintainable either in law or on facts. The

avermment that the certificate dated 22.01.2025, issued by the Medical Board, General Hospital, Muvattupuzha contains material defects is untrue. Likewise, the averment that disfiguration caused to the thigh of the petitioner is due to the alleged accident is untrue. The averment that, due to the disfiguration, marriage prospects of the petitioner are affected is untrue. The averment that Medical Board had shown a wrong and incomplete name in the certificate is untrue. The Medical Board records the name of the person based on Aadhaar card or other identification documents submitted by the concerned person. Therefore, this court cannot direct the Medical Board to incorporate a particular name in the certificate. If there is any incorrect entry in the certificate issued by the Medical Board, it can be clarified by examining the members of the Medical Board. The averment that the Medical Board wrongly stated the validity period of the certificate is untrue. It is the prerogative of the Medical Board to fix the validity period of the certificate. Hence, the respondents prayed for dismissal of both petitions.

5. Both sides were heard.

6. I have perused the records. As per the order in IA 01/2024, this court had directed the Superintendent of the General Hospital, Muvattupuzha, to constitute a Medical Board and submit a report regarding the disability after examining the petitioner. The report submitted shows that, in the name portion, the name of the petitioner is shown as Smt. Yasina Assiz. In the 5th line, it is noted as, 'Locomotor Disability (Road Traffic Accident)'. The portion for the father's name is left blank. The validity period is shown as 21.01.2025.

7. The petitioner contends that the disfiguration was caused due to an Ammunition blast. In order to establish that her name is Yaseena Azeez, she produced a copy of SSLC certificate, in which her name is recorded as 'Yaseena Azeez'. In the copy of the wound cum discharge certificate dated 01.02.2015, issued from the Specialists Hospital, Ernakulam, the history and the alleged cause of injury is recorded as blast injury at church at Kizhakkekara on 01.02.2015. The

name of the petitioner in the aforementioned discharge certificate is recorded as Yaseena Azeez. In the 2nd column of the table of the disability certificate dated 22.01.2025, issued by the Medical Board, it is recorded as blast injury left hand and in the 3rd column-affected part of body as palm of hand. The diagnosis in the 4th column is recorded as post traumatic amputation left 3rd, 4th and 5th fingers. On the 2nd page of the said certificate, in the 3rd clause, it is recorded as, 'Reassessment of disability is Necessary, recommended after 05 years 00 months, and therefore this certificate shall be valid till 21.01.2025. Therefore, I am of the considered view that the documents produced by the petitioner indicate that her contention has due force. Through IA 05/2025, the petitioner has also requested to ascertain the disfiguration caused to her left thigh due to removing of tissue for the plastic surgery of her left palm.

8. The objection raised by the respondents cannot be accepted, as certain defects are apparent on the face of the records as discussed above, and it can be rectified only by remitting the disability

certificate to the Medical Board concerned. It is also to be noted that allowing the prayer in IA 05/2025 will not cause any prejudice to the respondents, as it is being verified by the Medical Board. Therefore, I am of the view that both petitions can be allowed.

In the result, both petitions are allowed and the certificate No. MRL-6275/2024 dated 22.01.2025 is remitted to the Superintendent, General Hospital, Muvattupuzha for considering the requests made in the petitions by the same Medical Board, and to resubmit the same at the earliest.

Dictated to the Confidential Assistant, typed by her directly into computer, corrected and pronounced by me in the Open Court, this the 25th day of October 2025.

Sd/-

ATHEEK RAHMAN

CIVIL JUDGE(SENIOR DIVISION)

APPENDIX :- Nil

Ss/-

Sd/-

Stk/-

CIVIL JUDGE(SENIOR DIVISION)

Common Orders in
in I.A.Nos. 3/2025
& 05/2025 in
O.S. 37/2022
Dated: 25.10.2025