

IN THE COURT OF MUNSIFF, MUVATTUPUZHA

Present : Sri. Tony T. Thadathil, JMFC-III Muvattupuzha,

In Charge of Munsiff, Muvattupuzha

Thursday, the 30th day of October 2025/ 08th Karthika, 1947

I.A. 05/2025 in O.S. 281/2025

Petitioner/ Plaintiff :

Jaison George, aged 53 years, S/o. George,
Elavunkanirappel (Palayikudiyil) House, Ayavana
Gramapanchayat, Enanalloor Kara, Enanalloor Village,
Muvattupuzha Taluk

By Adv. Gigi Peter

Respondents/ Defendant/ Third party :

1. Indian Bank, Chandrika Building, M.G. Road,
Ernakulam branch, Cochin-31-represented by its Chief
Manager
2. The Manager, The South Indian Bank Ltd.
Muvattupuzha, Velloorkunnam branch, at Pulinattu
Properties, M.C. Road, Velloorkunnam, Muvattupuzha

By Adv. Sasidharan Nair

This petition came up for hearing on 27.10.2025 and this Court on 30.10.2025 delivered the following:-

ORDER

This is a petition filed under Order XI Rule 14 and Section 151 of the Code of Civil Procedure, 1908, seeking direction to produce certain documents.

2. Petitioner/ plaintiff states that his specific case is that part of sale consideration in respect of the plaint schedule property has not been received by him and hence the sale deed has no validity. First respondent/ defendant has denied the said submission. That being so, the documents in the possession of the second respondent bank has to be called for, for the purpose of hearing the injunction petition, as well as for a proper and just disposal of the above case. Hence the above petition is filed seeking direction to the second respondent to produce certain documents relating to the alleged payment of consideration.

3. 1st respondent/ defendant filed objection stating that it is expressly stated in the sale deed No. 264/2019 that the entire sale consideration has passed to the petitioner. Till now, petitioner had not raised any complaint about non-receipt of the sale consideration. No legal action was taken by him in this regard. By the above said sale deed, Nithin Venu, Akhil Venu and Abhirami Nithin became absolute owners of the plaint schedule property. They got the property mutated in their name. They were in possession and enjoyment of the property until they sold the said property to one Ujil Valappil Unnikrishnan on 02.03.2023.

For purchasing the property, Sri. Ujil had obtained a loan of ₹ 1.5 crores from the respondent bank. The said loan was not repaid regularly and hence it became a non performing asset. Accordingly, recovery proceedings were initiated under the SARFAESI Act, 2002. At present, the dues recoverable from the borrower is more than ₹ 2.35 crores. This petition is devoid of merits. Hence, it is prayed to dismiss the petition with exemplary costs.

4. Heard the learned counsel for petitioner and the first respondent. Perused records.

5. Petitioner seeks production of documents for the purpose of proving that part of the sale consideration was not received by him and that therefore the relevant sale deed is not valid. However, as held by the Hon'ble Supreme Court in *Vidhyadhar v. Manikrao and Another* [1999 KHC 1091], non-payment of a portion of the sale price would not affect the validity of the sale. Admittedly, petitioner received part of the sale consideration. As such, it cannot be said that the sale deed executed by him is invalid for failure of the remaining part of the sale consideration. Hence, a direction to produce documents as prayed for, is unwarranted.

6. **In the result**, petition is dismissed.

Dictated to the Confidential Asst., transcribed and typed by her, corrected and pronounced by me in the open court on this the 30th day of October, 2025.

Tony T. Thadathil.
JMFC -III Muvattupuzha,
(In Charge of Munsiff)

APPENDIX:- NIL

Munsiff

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ORDER in
I.A. 05/2025 in O.S. 281/2025
Dated: 30.10.2025