

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE, KAKKANAD**  
**Present: Sri. Santhosh T.K, Judicial First Class Magistrate**  
**Dated this the 2<sup>nd</sup> day of June, 2026**

**CMP No. 2 / 26 in MC 15 / 2026**

Petitioner : Shermi Vineeth, Age 29, W/o Vineeth  
Vincent, Vayalil House, Kakkanad  
Kara, Vazhakkala Village, Thrikkakara.  
(By Adv. Sri. T.N Arunkumar)

Respondent : Mary Vincent, Age 65,  
W/o Vincent, Vayalil House, Kakkanad  
Kara, Vazhakkala Village, Thrikkakara,  
Kanayannoor.  
(By Adv. T.R Madhu)

Order : Disposed of.

**ORDER**

This is a petition filed directing the respondent to produce the key of the two-storied house No.1627/32 situated in the property having an extent of 1.2 Are at Vazhakala Village, in Block No.8 comprised in Re-survey 225/7/6 and to produce the key of the institution named V.V. Power Tools and to produce the key of the Tata Tiago car bearing registration number KL7CN3594 before the court.

2. The petitioner is the petitioner in MC.
3. The averments in the petition, in brief, are as follows: The respondent is the petitioner's mother-in-law. The respondent harassed the petitioner. The petitioner entrusted 20 sovereigns of gold ornaments to the respondent as a trustee to complete the construction of the house, on the promise that the gold ornaments would be repaid after one year. The petitioner's husband has

passed away. He was an electrician. He was conducting a shop named VV Power Tools, and he invested ₹15,00,000 /in the business. The respondent has no right in the shop. After the death of the husband of the petitioner, the respondent completely avoided the petitioner. The petitioner was running the shop after the death of her husband. The respondent is trying to grab the income from the shop and has forcibly taken the key of the shop named VV Power Tools and the key of the car bearing No.KL-07-CN-3594. The respondent has also taken the key to the house, which is a shared household. Hence the petition.

4. The respondent filed an objection as follows: The allegation that the initial amount of ₹ 15,00,000 has been spent by the petitioner's husband for beginning the firm, namely VV Power Tools, is false and denied. The firm 'VV Power Tools' is being conducted for renting out tools for mainly construction work. Originally, this firm was started at the respondent's residence, and the initial funds for the firm were provided by the respondent. It has been transferred to the rented shop. No involvement by the complainant in conducting the said shop either before or after the demise of Vineeth. Now, the firm is also being conducted by the respondent. The respondent has been continuing her life with income from the said shop. Moreover, the rent deed for the said shop has been executed in favour of the respondent, and it is pertinent to note that the said shop's municipality license has been issued in favour of the respondent. Hence, the complainant cannot claim any right with regard to the said shop. The landed property, with 2.5 cents mentioned in the petition, has been purchased in favour of Vineeth. But the consideration for purchasing the property has been

entrusted by the respondent. While purchasing the said property, the respondent entrusted ₹ 40,00,000 after disposing of the respondent's landed properties at Desamukku, Thoppil and Kombanadu, Perumbavur and the amount from ornaments and chitty. Thereafter, a loan amount has been availed from the KSFE Aluva branch for the construction of the two-story building therein, and the amounts of the respondent and Vineeth have also been utilised for the construction of the said building. But construction of the said building could not be completed thereafter; a lease deed was executed for an amount of ₹ 8,00,000 for the completion of the second floor of the said building. The loan amount is being remitted by the respondent. The said facts are very much known to the complainant. Moreover, the respondent never created hindrances to reside in the present property. On January, 2026 the complainant has taken ornament amount, laptop, ration card and pan card of the respondent without informing the respondent. Thereafter, the respondent is compelled to change the key of the said building. Moreover, the parents of the complainant have created unpleasant incidents while they were residing at the said building. Now, the respondent also believes that the above-mentioned incident will happen in future. Even though relatives of the respondent have addressed submitting a complaint before the police station, the respondent has not taken the initiative to do so to maintain a good relationship with the complainant. The Tata Tiago car bearing registration number KL7CN3594 has been purchased with the cash credit. After the completion of the said cash credit, the ownership of the said car has been transferred in favour of the complainant and no issue has been created by the respondent regarding the matter. It is pertinent to note that one of the keys of the said car is being kept by the complainant. The respondent never created

any issue against the complainant at any point of time as she stated in the petition. But on the contrary, all problems and issues have been created by the complainant and her family. The respondent has paid an adequate amount to the complainant after getting income from the search job. It is pertinent to note that no domestic violence has been committed against the complainant by the respondent. Considering the above-mentioned facts and incidents, there is a difficulty in handing over keys with regard to the said building as well as the shop.

5. The following points arose for determination:

1. Whether the petitioner is entitled to the relief directing the respondent to hand over the key of the car, house and the shop mentioned in the petition?
2. Reliefs and costs.

6. Heard both sides.

7. **Point No.1:-** Both parties are claiming rights in the house, shop, and the car, which is the cause of action for the above petition. The petitioner claims ownership of the house situated in Resurvey No. 225/7/6, Block No. 8, Vazhakala Village. Since it is a shared household, the petitioner contended that the shop named VV Power Tools was run by her husband and that, after his death, the respondent is attempting to take the shop's income. According to the petitioner, the respondent does not have the right in the shop. Similarly, the petitioner would say that the respondent has forcibly taken the car key.

8. The respondent conceded in her objection that, upon completion of the cash credit, ownership of the car had been transferred in favour of the petitioner, and that no issue had been raised by the respondent regarding the matter. The respondent would further say that one of the keys to the said car is being kept by the petitioner. However, the respondent herself admitted that one of the keys of the said car kept by the petitioner whereas the petitioner contended that the respondent forcefully took the key of the car from the possession of the petitioner. Since the respondent admits that the car had been transferred in favour of the petitioner, the respondent cannot claim any right over the car. Hence, the respondent is directed to hand over the key of the car to the petitioner, and the respondent has no right over the car based on her admission in her objection.
9. It is pertinent to note that the petitioner and the respondent are the dependents of the deceased. On considering the petition and the objection, It could be ascertained that income from the shop started by the deceased Vineeth is very much essential to both parties. Hence, I am of the view that both parties are directed to run the business and the share of the profit of the shop be equally divided between the parties. The main contention raised by the petitioner is that the respondent is not permitting access to the property, which is in the ownership of the petitioner. It is pertinent to note that both parties have not produced any documentary evidence to substantiate their rights in their respective properties. Similarly being a shared household the petitioner is also having right to reside in the property in the house situated in Re-survey 225/7/6 of Vazhakkala Village.

10. **Point No.2:-** As a result, both parties are directed to run the business named V.V Power Tools, and the profit from the business shall be equally divided between them until further order. As the above-mentioned house is a shared household, the respondent is directed to hand over the key of the house to the petitioner. It does not mean that the petitioner has exclusive rights to the house. Both are free to use the house without any quarrel. The respondent is directed to hand over the key of the car to the petitioner.

11. Accordingly, the petition is disposed of.

Dictated in dictation software, corrected and pronounced by me in open court on this the 2<sup>nd</sup> day of June, 2026.

Sd/-

Judicial First Class Magistrate, Kakkanad

//True Copy//

Judicial First Class Magistrate, Kakkanad