

IN THE COURT OF MUNSIFF, KOTHAMANGALAM

Present: Sri Ganesh Kumar M S, Civil Judge (Junior Division)

Friday, the 24<sup>th</sup> day of October 2025/2<sup>nd</sup> Karthika 1947

**IA No.15/2025 in OS No.96/2019**

- Petitioners/  
Defendants:-
- 1 Pankajakshan Nair, S/o. Narayanan Nair, Akhil Nivas (Kudakkassery) Near Chinnamma Scaria Road, Kuthukuzhy Bhagam, Kothamangalam Village.
  - 2 Geetha Pankjakshan , W/o. Pankajakshan Nair, Akhil Nivas (Kudakkassery) Near Chinnamma Scaria Road, Kuthukuzhy Bhagam, Kothamangalam Village.

By Advs. M/s.Sherman A George, Jackson George.

- Respondents/  
Plaintiffs:
- 1 Sunny, S/o. Late Paulose Kathanar, Maracherryputhenpurayil house, Kuthukuzhy Bhagam, Kothamangalam Village.
  - 2 Susy, W/o. Sunny, Maracherryputhenpurayil house, Kuthukuzhy Bhagam, Kothamangalam Village.
  - 3 Vinu. S. Basil, Maracherryputhenpurayil house, Kuthukuzhy Bhagam, Kothamangalam Village, rep by power of attorney holder Susy.

By Adv. Sri. Gigi Peter.

This petition is coming on for final hearing on 08.08.2025 in the presence of counsel for both sides and on 24.10.2025 the court passed the following

**ORDER**

1. The petition is filed by the petitioners/defendants seeking to recall PW1 for further cross examination under section 151 of CPC,1908

2. **The averments contained in the affidavit filed along with the petition, in brief, are as follows:-** The petitioners are the defendants in the above suit. The suit is for declaration of title and other reliefs. The document which the plaintiff relies upon is Ext.A1 will deed. The prior deed of the same is a bogus document. Hence question with respect to the same needs to be asked. For which PW1 needs to be recalled. Hence, the petition.

3. **Per contra, the plaintiffs/respondents filed objection inter alia contending as follows:-** The petition is not maintainable either under law or on facts. The prior deed of Ext.A1 is not a bogus document. PW1 was cross examined at length and thus there is no need to recall him for further examination. Thus, the petition is liable to be dismissed.

4. From the above, the moot question called upon to be answered by this court is whether the petition is liable to be allowed or not.

5. Heard and perused the records.

6. Admittedly, the suit is for declaration of tile and other

reliefs. The petitioners seeks to recall PW1 so as to put questions to him with respect to the prior deed of PW1 and with respect to the descriptions of plaint schedule property. It is true that PW1 was cross examined at length. It is trite law that while considering the petition to recall the witnesses for examination, the court shall adopt a pragmatic and liberal approach instead of pedantic approach. It is settled law that the court shall permit parties to adduce ample evidence and court shall not shut down the same. Thus, considering these principles, I am of the view that petition is liable to be allowed.

In the result,

The petition is allowed.

(Dictated to the Confidential Asst., typed by her, corrected and pronounced by me open court on this the 24<sup>th</sup> day of October, 2025)

Sd/-

Ganesh Kumar M S  
Civil Judge  
(Junior Division)

**APPENDIX: NIL**

//True copy//

Id/-

Civil Judge  
(Junior Division)

Civil Judge  
(Junior Division)