

IN THE COURT OF THE DISTRICT JUDGE, THODUPUZHA
Present:-

Sri. SASI KUMAR.P.S., DISTRICT JUDGE
Friday the 31st day of October, 2025/09th day of Karthika, 1947.

I.A.No. 1/2025 in A.S. No. 37/2024

(Against the Judgment and Decree in O.S.No.04/2020 dated
26.02.2024 of the Munsiff's Court, Thodupuzha)

Petitioner/Appellant:

Manu John s/o. John, aged 34 years,
Kattuparakuzhiyil House, Pannimattom P.O.,
Pannimattom Kara, Velliyamattom Village,
Thodupuzha Taluk, Pin: 685 588.

By Advs.Sri. S.K.Muraleedhara Kaimal &
Sri. A.N.Nitheesh Kumar.

Respondents/Defendants:

1. The Vicar, St.Joseph's Church, Vellyimattom P.O.,
Velliyamattom Village, represented by
Fr. Jiss Jose Anickal, Anickal House,
Parathode P.O., Kanjirappilly – 686 512 now by
Fr. Mathew Madathil, Vicar.
2. Fr.Jiss Jose Anickal, aged 35 years, Anickal House,
Parathode P.O., Kanjirappilly – 686 512
former Vicar, St.Joseph's Church, Velliyamattom.
3. Shaji K.P., aged about 42 years, Kusavarkunnel House,
Pannimattom P.O., 685 588, Secretary, Parish Counsel,
St.Joseph's Church, Velliyamattom.
4. Shaji Mathew s/o.Mathew, aged about 40 years,
Kakkathuruthel House, Pannimattom, Pin: 685 588.
Headmaster Sunday School, St.Joseph's Church,
Velliyamattom.

5. Jijo Thomas s/o.Thomas, aged about 30 years,
Areeckal House, Pannimattom P.O., Pin: 685 588.
6. Catechism Director, Vijayapuram Diocese,
Mother Theresa Road, near Logos Junction,
Nagampadam, Kottayam – 686 002.

By Adv. Sri. Sabu Jacob.

This petition coming on for hearing before me on 31.10.2025 in the presence of the above counsel and the Court on the same day passed the following:

ORDER

The above numbered I.A filed by the appellant in the above numbered Appeal Suit is for getting an order directing the respondents to produce documents from their custody under Rule 14 Order XI of the Code of Civil Procedure, 1908.

2. Petitioner/Appellant is the plaintiff in O.S.No.4/2020 on the files of the Munsiff's Court, Thodupuzha. The suit is one for declaration and for damages. The plaintiff was appointed as the Catechist in St.Joseph's Church, Velliyamattom by the Vicar of the Church, who is none other than the head of the parish council. Out of jealousy and ill-will, the respondents herein used to make quarrel with the appellant and finally they conspired together to dispel the petitioner from all activities in the church by making use of their official position. In the general body meeting held on 13.01.2019, the respondents alleged

forging of donation tickets and misappropriation of huge amount by the petitioner/appellant and thereby he demanded enquiry by the Vicar, by the police or by any other authorities. Further a false and forged mass complaint has been made to the 1st defendant against the petitioner by the gang of defendants and demanded dismissal of the petitioner from the service of Catechism teacher. Even without calling for any explanation from the petitioner regarding the complaint, the 1st defendant openly declared in the subsequent meeting of the parish council that the petitioner was dismissed from his service as Catechism teacher and is approved by the 6th defendant. Thereby the petitioner has sustained a damage to the tune of ₹10 lakhs and he is entitled to reinstate to the post of teacher as held by him. Hence the petitioner filed the above numbered suit. Further, it is averred that during the trial before the trial court DW1/the 5th defendant deposed to that there was no meeting on 12.01.2019 and it was on 13.01.2019 in which he partook. In answer to the definite question put to in cross-examination, DW1 stated that everything was written down in the minutes book, which is in the custody of church along with other records like account books, attendance register etc. Therefore being the custodian of the said documents and applying best evidence rule available, the defendants ought to have produced the same before the trial court instead of

suppressing these vital documents to the detriment of the petitioner. These documents are highly necessary for the just and proper adjudication of the case and to arrive at a final decision of the dispute between the parties. Hence this petition.

3. The respondents filed objection in detail contending that the petition is not maintainable either under law or on facts. The petitioner has no cause of action against the respondents. The provisions envisaged under Rule 14 of Order XI of CPC will not be made applicable at the appellate stage. The only provision available under CPC at this stage is specifically contained in Rule 27 of Order XLI of CPC. It is further contended that if the petitioner has any bonafides, he would have made any attempt to procure that evidence before the trial court itself. It is contented that, at present, the petitioner is quite sure that he cannot succeed in the appeal, and what he could do is to procrastinate the case for a little more time. The same appears to be an attempt to delay the case by some way or the other which cannot be entertained. Hence prayed for the dismissal of the petition.

4. Heard both sides. Perused the materials available in this case.

5. The point for consideration is that, whether the petition is allowable or not?

6. **The point:** The petitioner is the unsuccessful plaintiff in O.S.4/2020 on the files of the Munsiff's Court, Thodupuzha and the appellant in the above numbered appeal suit. The case of the petitioner is that the 5th defendant in the trial court had made oral evidence to the effect that there was no meeting on 12.01.2019 but the same was on 13.01.2019 in which he participated. DW1/5th defendant had deposed to before the trial court that everything was penned down in the minutes book kept in the custody of the Church along with other records like account books, attendance register etc. Those documents are highly necessary for the just and proper adjudication of the case and to arrive at a just decision of the dispute between the parties. The documents referred to by DW1 before the trial court are under the custody of respondents. Therefore, by applying the principle of best evidence rule, the respondents are to be directed to produce those documents before the court by invoking the provisions under Rule 14 of Order XI of CPC, 1908. The learned counsel for the respondents vehemently objected that the provisions of Rule 14 of Order XI of CPC cannot be invoked at the appellate stage.

7. Thus, it is profitable to make an understanding of the provisions under Rule 14 Order XI of the Code of Civil Procedure, 1908, which reads as;- "*Order XI Rule 14. Production of documents.-It shall be*

lawful for the Court, at any time during the pendency of any suit, to order the production by any party thereto, upon oath, of such of the documents in his possession or power, relating to any matter in question in such suit, as the Court shall think right; and the Court may deal with such documents, when produced, in such manner as shall appear just."

8. The plain reading of the above provision would manifest that the same enables the court to seek production of the documents during the pendency of the suit. In the case at hand, the suit filed by the plaintiff has already been dismissed by the trial court. The provisions contained in Rule 14 Order XI allow a court to direct the production of documents, but its application is confined to a live, pending suit. In other words, the provisions in Rule 14 Order XI are generally not maintainable in an appellate stage, as this rule applies only during the pendency of a suit. An appellate court reviewing an order is limited to examining the validity of the trial court's decision based solely on the existing records. The appellate court cannot admit new materials on documents under Rule 14 Order XI to re-evaluate the merits of the case. Once a suit has been dismissed, it is no longer "pending", and the procedures applicable to a pending suit, like Order XI, becomes irrelevant. In short, Order XI Rule 14 is intended to be used during the trial phase to compel a party to produce documents relevant to the pending suit.

The Hon'ble Supreme Court in **Sri.Shrikanth N.S & Ors v. K.Munivenkatappa & Anr.** (Civil Appeal Nos.307 – 308 of 2025): **2025 INSC 557** has held that “ the First Appellate Court will only examine the validity of the trial court's order. For the said purpose, the Appellate Court will see to the contents of the plaint and nothing beyond”.

The Hon'ble High Court of Kerala in **Thundiyl Abdurahiman v. Asharaf Kalapeedikayil (2019(2) KLT 282)** has held that, Order XI R.14 of the Code does not attach to a party an absolute right to insist for production of a document in the possession of the adverse party in support of proof of his case. The right of the applicant is liable to be determined by the Court in the light of the test of expediency, justness and relevancy as held by the Hon'ble Supreme Court in **Sasanagouda v. Dr. S. B. Amarked And Others (AIR 1992 SC 1163)**.

9. It is the general law that the party who wishes to obtain judgments in his favour has to plead and prove his case before the court of law. Here in this case, the petitioner did not make any attempt to take steps by invoking the provisions under Rule 14 Order XI of CPC before the trial court during the pendency of the suit. Since the suit was dismissed, there cannot be any continuation of the trial of the suit. Hence the provisions contemplated under Rule 14 Order XI of CPC

cannot be entertained at the appellate stage. Therefore, the petition deserves to be dismissed as devoid of merits. No order as to costs.

In the result, the petition is dismissed. No order as to costs.

Dictated to the C.A., typewritten by her, corrected and pronounced by me in open court on this the 31st day of October, 2025.

Sd/-
SASI KUMAR.P.S.
DISTRICT JUDGE.

Copied by : Anjaly S.Nair
Compd. By : Anju B.