

IN THE COURT OF THE CIVIL JUDGE(SENIOR DIVISION) OF HOSDURG

Present:- Sri. Biju.M.C, Civil Judge Judge (Senior Division)

Monday, the 27th day of October, 2025/05th Karthika,1947

IA. No. 10 OF 2025 in OS.No. 01 OF 2024

Between:-

1. Ranjith. M.K., aged 44 years, S/o. Late T.V. Narayanan and K. Vijayalakshmi, Residing at Kottumoola, P.O. Thimiri in Thimiri Village, Hosdurg Taluk – Pin 671 313.
2. Manjusha. M.K., aged 38 years, D/o. Late T.V. Narayanan and K. Vijayalakshmi and wife of Sujith K.V, Residing at Nadakkavu P.O., North Trikaripur Village of Hosdurg Taluk.

Applicants/
Plaintiffs

And

1. B.P. Narayani, aged 88 years, W/o Late T.V. Narayanan, Residing at Neethu Nilayam, Palathera, P.O. Thimiri, Thimiri Village of Hosdurg Taluk, Pin – 671 313.
2. Sumathi. B.P., aged 58 years, D/o. Late T.V. Narayanan and B.P. Narayani and wife of Balakrishnan, Residing at Edayilakkat, P.O. Valiyaparamba in Valiyaparamba Village, Hosdurg Taluk, Pin – 671 312.
3. B.P. Rameshan, aged 51 years, S/o. Late T.V. Narayanan and B.P. Narayani, Residing near Vadakke Cheermakavu, P.O. Nileshtar, Perole Village of Hosdurg Taluk – Pin 671 314.
4. B.P. Pushpalatha, aged 47 years, D/o. Late T.V. Narayanan and B.P. Narayani, and wife of C. Sukumaran, Residing at Velichamthodu, Karakkadu, P.O. Pothankandam in Cheemeni Village, Hosdurg Taluk
5. B.P. Suresh, aged 44 years, S/o. Late T.V. Narayanan and B.P. Narayani, Residing at Neethu Nilayam, Palathera, P.O. Thimiri, Thimiri Village of Hosdurg Taluk, Pin – 671 313.

Respondents/
Defendants

- 6. Padhini. M, aged 55 years
 - 7. Vijesh. M., aged 36 years
 - 8. Jithin M, aged 30 years
 - 9. Nithin. M., aged 26 years
- (the 6th defendant is the wife and the defendants
No. 7 to 9 are the children of late B.P Krishnan,
residing at Palathera, P.O. Thimiri in Thimiri Village
of Hosdurg Taluk, Pin 671 313)
- } Respondents/
Defendants

Application filed under Order XI Rule 11 and Section 151 of Civil Procedure Code to to direct the respondents Nos. 2 to 6, 8 and 9 to answer the interrogatories.

Petition Presented on : 18.10.2025
Court fee paid : ₹ 25.00

This petition coming on 23rd day of October, 2025 for final hearing before me in the presence of S/Sri.Satheeshkumar. V and Sreekumar. R.G., Advocates for applicants; of Sri. K. Rajeevan, Advocate for Respondent Nos. 1 to 4, 6, 8 and 9., of Sri. Vipin T. Jose and Neethu Vinod, Advocates for 5th Respondent; 7th Respondent is being called absent and set exparte; and having stood over to this day for consideration, the court passed the following.

ORDER

This application is filed under Order XI Rule 11 of the Code of Civil Procedure seeking a direction to defendants Nos. 2 to 6, 8 and 9 to answer the interrogatories.

2. The plaintiff had served interrogatories on respondents Nos. 2 to 6, 8 and 9 pursuant to the order in I.A. No. 6 of 2025. They have filed an answer affidavit through respondent No. 3. However, the said affidavit is not proper as the

interrogatories have not been specifically or satisfactorily answered. It is contended that the affidavit has been filed merely in mockery of the court proceedings and, therefore, the present petition is filed seeking a direction to furnish proper and complete answers.

3. The respondents have filed a counter affidavit denying the averments in the petition. According to them, they had no intention of making a mockery of the proceedings of the Court and they have already furnished correct, proper and sufficient answers. Hence, they pray that the petition be dismissed.

4. The short question that arises for consideration is:

“Whether the petition is liable to be allowed?”

5. I have heard the learned counsel on both sides.

6. **The point:** The first issue settled by this Court is with respect to the correctness of the Wills registered as Document No.185/2009 of SRO Thalassery and Document No.19/2023 of SRO Nileshwaram. Pursuant to I.A.No.06/2025, three interrogatories (questions) were served on respondents Nos. 2 to 6, 8 and 9 relating to the signature of the executant of the aforesaid Wills. The respondents have filed an affidavit of answers. Upon considering the said affidavit, it is seen that instead of furnishing proper and specific answers to the interrogatories, the respondents have given vague replies, questioning the very necessity of serving such interrogatories. That apart, the answers have also been furnished in an incorrect format, without

adhering to the prescribed procedure for answering interrogatories. It is pertinent to note that the purpose of serving interrogatories is to narrow down the scope of the trial and to enable the parties to focus on the core issues in dispute, thereby assisting the Court in an effective and expeditious adjudication of the matter. Interrogatories are intended to elucidate matters in controversy and to obtain admissions, and if vague or evasive answers are given, it defeats their very object and prolongs the litigation. In the present case, the core issue relates to the validity of the registered Wills allegedly executed by T.V. Narayanan and, more specifically, to the executant's signature therein. Once this Court had directed the respondents to furnish proper answers to the interrogatories, they had no right to question the necessity of such interrogatories or to avoid giving specific answers. On a perusal of the answer affidavit, it is evident that the answers furnished are vague, evasive and fall short of compliance with the order of this Court. Such conduct amounts to making a mockery of the process of law. In these circumstances, further and proper answers to the interrogatories are highly necessary. Accordingly, in the interest of justice, the petition is allowed. The respondents are directed to file a proper answer affidavit in the correct format on or before 03.11.2025.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in Open Court on this the 27th day of October, 2025)

CIVIL JUDGE (SENIOR DIVISION)

Typed by: Mariyam. E.L

Compared by: Remleth. T

Fair/Copy of Order in IA.10/2025
in OS No. 01/2024
Dated: 27.10.2025