

IN THE COURT OF THE MUNSIFF, KOYILANDY
Present:- Miss. Raveena Naz, Munsiff, Koyilandy

Tuesday the 12th day of August, 2025

I.A. No. 09/2025 in O.S. No. 44/2018

Between:

- 1 Shereefa. B.K,(**Died**), D/o. Hussain Basalvi,
Aged 55 years, Swastham, Darul Ahad,
Vannathikkandi,Panthalayani Amsom Desom,
Koyilandy Taluk, Kozhikode District, Kerala State.

Supplemental

- 2 Sayyid Thahir. P.P, Aged 49 years, S/o.Late. Usman,
Vannathikandi Valappil, Kollam PO, Koyilandy Taluk,
Kozhikode District, PIN- 673307
- 3 Bushara @ Sulaikhabi V.P, Aged 49 years, D/o. Late.
Usman, Darul Ahad,Vannathikandi Valappil, Kollam
PO, Koyilandy Taluk, Kozhikode District, PIN- 673307
- 4 Sabith P.V, Aged 42 years, S/o. Late. Usman, Darul
Ahad,Vannathikandi Valappil, Kollam PO, Koyilandy
Taluk, Kozhikode District, PIN- 673307

Petitioners/
Plaintiffs

And :

- 1 Kunhippathu, D/o Sainabha, Aged 85 years,
Swastham, Valiyavalappil House, Beypore Amsom
Desom, Mathottam, Kozhikode, Kozhikode District.
- 2 Safiya, D/o. Ayisha, Aged 40 years, Swastham,
Mukkati Parambil, Near Elathoor Juma Masjid,
Elathoor Amsom Desom, Kozhikode Taluk,
Kozhikode District.
- 3 Shoukkath, S/o. Ayisha, Aged 38 years, Swastham,
Ayisha Manzil, Kuruvangad Amsom
Desom, Koyilandy Taluk, Kozhikode District.
- 4 Shahida, D/o. Ayisha, Aged 37 years, Swastham,
Sithar House, Panthalayani Amsom, Kovilkkandy
Desom, Koyilandy Taluk, Kozhikode District.

Respondents/
Defendants

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| <p>5 Basheer, S/o Ayisha, Aged 42 years, Swastham, Ayisha Manzil, Chemancheri Amsom Desom, Kappad, Koyilandy Taluk, Kozhikode District.</p> <p>6 Fathima, W/o Abdurahimankutti, Aged 75 years, Fathima Manzil, Mubarack Road, Panthalayani Amsom Desom, Koyilandy Taluk, Kozhikode District.</p> <p>7 Hafsath, D/o. Abdurahimankutti, Aged 55 years, Swastham, Masnas, Edakkulam Amsom Desom, Koyilandy Taluk, Kozhikode District.</p> <p>8 Rahiya. U.K, D/o. Abdurahimankutti, Aged 48 years, Mukkadi Kandi House, Chemanchery Amsom Desom, Kappad, Koyilandy Taluk, Kozhikode District.</p> <p>9 Shamsudheen, S/o. Abdurahimankutti, Aged 45 years, Swastham, Fathima Manzil, Mubarack Road, Panthalayani Amsom Desom.</p> | } | <p>Respondents/
Defendants</p> |
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This Petition coming on this day for hearing before me in the presence of Sri. Ajmal. M, Advocate for Petitioners and Sri. M. P. Sukumaran and Smt. Ambili. S, Advocates for Respondent Nos. 1 to 4 and Sri. C.S. Jathish Babu, Advocate for Respondent Nos. 6 to 9 and Respondent No. 5 not entered in appearance and the Court passed the following:

ORDER

1. Petition is filed under Order 6 Rule 17 of Code of Civil Procedure.
2. Petition is filed to amend the plaint. Petitioner contends that it has come to the knowledge of the Petitioner after the receipt of the certified copy of judgment in OS 522/1936 of Munisff's Court, Payyoli that property has not been obtained by Smt. Kadheesaumma and Smt. Sainabha as per the decree and that document No. 2023/1984 is not valid.

3. The Respondents filed Objection contending that the present Petition cannot taken any contention which is not taken by Smt. Shareefa and that the proposed amendment will alter the nature of the suit.
4. Heard both sides.
5. Petition is filed to amend the plaint. The averment in the Petition that the Petitioner could not take steps due to delay in obtaining the certified copy of the judgment in OS 522/1936 of Munsiff's Court, Payyoli cannot be established by Petitioner. However in order to have an effective adjudication of the dispute and to avoid multiplicity of suit the amendment is necessary. Hence IA allowed. Carry out amendment. IA closed.

(Pronounced by me in open Court, on this the 12th day of August, 2025).

Sd/-
MUNSIFF

Order in IA 09/2025
in OS 44/2018
Dated: 12.08.2025