

IN THE COURT OF THE SUBORDINATE JUDGE OF VADAKARA

Present: Sri. Joji Thomas, Sub Judge
Saturday, the 2nd day of August, 2025

IA 01/2025, IA 02/25, IA 04/25 & IA 05/25 in SOP 03/2020

IA 01/2025

Between:

<p>Nisha KK, W/o Chandran, aged 48 years, Malini House, Vatakara amsom desom, Vatakara taluk, Kozhikode now residing - at Kunhikandiyil house, Chorode amsom- desom of Vatakara taluk, Kozhikode district</p>	}	Petitioner
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And

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| <p>1) Pradeep Chandran,
S/o Chandran, aged 50 years,
Malini House Vatakara amsom Desom,
Vatakara taluk, Kozhikode.</p> <p>2) Prasanth Chandran,
S/o Chandran, aged 48 years,
Malini House Vatakara amsom Desom,
Vatakara taluk Kozhikode</p> <p>3) The Manager,
Life Insurance Corporation Of India,
Branch Office Vatakara, Vatakara
Amsom desom, Vatakara taluk,
Convent road, Opposite Townhall,
Vatakara.</p> <p>4) The Chairman and Managing Director,
Chemmannur Credits and Investment Ltd,
Paremmal Kavue Amsom desom,
Trissur taluk, Round South, Thrissur.</p> <p>5) The Branch Manager,
Chemmannur Credits and Investment Ltd,
Queens Road, Vatakara, Vatakara
Amsom desom, Vatakara taluk,
Kozhikode district.</p> | } | Respondents |
|--|---|-------------|

- 6) The Chairman and Managing Director, Indel Money Private Limited, Indel House, Changampuzha Nagar, South Kalamasseri Po, Kalamasseri amsom desom, Ernakulam.
- 7) Vatakara Co-operative Urban Bank, Vatakara main branch, Near Townhall, Nut Street Post, Vatakara Amsom desom, Vatakara taluk, Kozhikode district.
- 8) The Manager, Vatakara Co-operative -, Rural Bank, V. O. Road, Vatakara - Amsom desom, Vatakara taluk, Kozhikode.
- 9) The Manager, KDC Bank, Convent Road-, Branch, Vatakara amsom desom, Vatakara taluk, Kozhikode district.
- 10) The Manager, KDC Bank, Vatakara branch, Vatakara amsom desom, Vatakara taluk, Kozhikode district.
- 11) The Manager, State Bank Of India, Vatakara, PB No. 6, Thilleri Complex, Convent Road, Vatakara amsom desom, Vatakara taluk, Kozhikode district.
- 12) The Manager, Kerala State Financial - Enterprises Ltd., Vatakara branch, Vatakara amsom desom, Vatakara taluk, Kozhikode district.
- 13) The Postal Superintendent, Head Post Office, Edodi, Vatakara - amsom desom, Vatakara Taluk, Kozhikode district.

Respondents

- 14) The Manager, High Paradise Hyper Market-,
LLP, Vatakara represented by its Secretary,
Dr. C.M. Kunhimoossa, C.M. Hospital,
Vatakara amsom desom, Vatakara Taluk,
Kozhikode district

} Respondents

IA 02/25:

Between:

Nisha KK,
W/O Chandran, aged 48 years,
Malini House, Vatakara amsom desom,
Vatakara taluk Kozhikode now residing -
at Kunhikandiyil house, Chorode amsom-
desom of Vatakara taluk, Kozhikode district

} Petitioner

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- 1) Pradeep Chandran,
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Malini House Vatakara amsom Desom,
Vatakara taluk, Kozhikode.
- 2) Prasanth Chandran,
S/o Chandran, aged 48 years,
Malini House Vatakara amsom Desom,
Vatakara taluk Kozhikode
- 3) The Manager,
Life Insurance Corporation Of India,
Branch Office Vatakara, Vatakara
Amsom desom, Vatakara taluk,
Convent road, Opposite Townhall,
Vatakara.
- 4) The Chairman and Managing Director,
Chemmannur Credits and Investment Ltd,
Paremmal Kavue Amsom desom,
Trissur taiuk, Round South, Thrissur.
- 5) The Branch Manager,
Chemmanınur Credits and Investment Ltd,
Queens Road, Vatakara, Vatakara
Amsom desom, Vatakara taluk,
Kozhikode district.

} Respondents

- 6) The Chairman and Managing Director, Indel Money Private Limited, Indel House, Changampuzha Nagar, South Kalamasseri Po, Kalamasseri amsom desom, Ernakulam.
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- 9) The Manager, KDC Bank, Convent Road-, Branch, Vatakara msom desom, Vatakara taluk, Kozhikode district.
- 10) The Manager, KDC Bank, Vatakara branch Vatakara amsom desom, Vatakara-, taluk, Kozhikode district.
- 11) The Manager, State Bank Of India, Vatakara, PB No. 6, Thilleri Complex, Convent Road, Vatakara amsom desom, Vatakara taluk, Kozhikode district.
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- 13) The Postal Superintendent, Head Post Office, Edodi, Vatakara - amsom desom, Vatakara Taluk, Kozhikode district.

Respondents

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Dr. C.M. Kunhimoossa, C.M. Hospital,
Vatakara amsom desom, Vatakara Taluk,
Kozhikode district
- } Respondents

IA 04/25.

Between:

Nisha KK,
W/o Chandran, aged 48 years,
Malini House, Vatakara amsom desom,
Vatakara taluk Kozhikode now residing -
at Kunhikandiyil house, Chorode amsom-
desom of Vatakara taluk, Kozhikode district

} Petitioner

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 - 3) The Manager,
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Branch Office Vatakara, Vatakara
Amsom desom, Vatakara taluk,
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 - 12) The Manager, Kerala State Financial - Enterprises Ltd., Vatakara branch, Vatakara amsom desom, Vatakara taluk, Kozhikode district.
 - 13) The Postal Superintendent, Head Post Office, Edodi, Vatakara - amsom desom, Vatakara Taluk, Kozhikode district.
- } Respondents

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Vatakara amsom desom, Vatakara Taluk,
Kozhikode district.

Respondents

IA 05/25.

Between:

Nisha KK,
W/o Chandran, aged 48 years,
Malini House, Vatakara amsom desom,
Vatakara taluk Kozhikode now residing -
at Kunhikandiyil house, Chorode amsom-
desom of Vatakara taluk, Kozhikode district

Petitioner

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- 3) The Manager,
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Amsom desom, Vatakara taluk,
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Respondents

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LLP, Vatakara represented by its Secretary,
Dr. C.M. Kunhimoossa, C.M. Hospital,
Vatakara amsom desom, Vatakara Taluk,
Kozhikode district. } Respondents

This petition coming on the 25th day of July, 2025 for final hearing before me in the presence of Sri.P.Divakaran and Smt. A. Sylaja, Advocates for the petitioner and of Sri. K. Sadique and Sri. Savad,K, Advocates for R2, Sri.V. Ramadasan, Advocate for R3 , Sri. Muraleedharan and Sri. Rajesh.P, Advocates for R4 and R5 , Sri.K.M, Benny, Advocate for R6, Sri. C. Subramanian and Sri. P. Anoop, Advocates for R7, Sri. Shajeev.K, Advocate for R8 to R10, Smt. K.V. Lekha, Advocate for R12, R13 appeared in person, R1, R11, and R14 Called absent and set exparte, and having stood over to this day for consideration, the court passed the following:

COMMON ORDER

IA 1 of 2025 is filed under Order 11 Rule 14 of the Code of Civil Procedure, 1908 (Herein after in short as ‘CPC’) and Section 64 of Bharathiya Sakshya Abhiniyam, 2023 (Herein after in short as ‘BSA’) to produce the original of agreement dated 31.03.2022 by respondents No. 1 and 2.

2. IA 2 of 2025 is filed under Order 16 Rule 15 of the CPC, and Rule 69 of Civil Rules of Practice, Kereala (Herein after in short as ‘CRP’) to direct Notary Public, Advocate Joseph Mathew Thamarassery to produce the original Notary register with serial No. 79, Volume No.3 and page No.95 dated 31.03.2022 along with copy of agreement dated 31.03.2022 attested by him.

3. IA 4 of 2025 is filed under Rule 120 of Civil Rules of Practice, Kerala (Herein after in short as 'CRP') to cause production of marriage register maintained under Kerala Registration of Marriage(common) Rules, 2008 by issuing summons to Secretary, Thiruvallur Grama Panchayath.

4. IA 5 of 2025 is filed under Order 16 Rule 14 of CPC to direct Secretary Thiruvallur Maha Siva Kshethram to produce marriage register dated 07.08.2019 and give evidence.

5. The Petitioner herein is the original petitioner in this case. The marriage between petitioner and the deceased Chandran was solemnized on 07.08.2019 at Maha Siva Temple at Thiruvallur as per Hindu rituals and ceremonies and marriage was registered at Thiruvallur Grama Panchayath on 19.09.2019. The respondents No. 1 and 2 are the children of the deceased Chandran in his earlier marriage. The petitioner has filed MC 11 of 2020 before JFCM, Vatakara as well as suit for injunction as OS 77 of 2020 before Munsiff Court, Vatakara. The respondents No. 1 and 2 have filed OP 485 of 2020 to declare that marriage between petitioner and the deceased Chandran as null and void. Pending these proceedings, the subject matters were settled in the presence of one Balakrishnan and Kumaran and the respondents No. 1 and 2 have agreed to pay Rupees One crore to the petitioner as her share in the estate of deceased Chandran and also to take steps to get monthly pension to the petitioner as the wife of deceased Chandran. The wife of the Second respondent prepared an

agreement incorporating the aforesaid terms of compromise. The petitioner, first respondent and wife second respondent have signed it on 31.03.2022 in the presence of one Nissarudheen, A.K Kumaran and aforesaid Balakrishnan before Joseph Mathew, a notary public at Thamarassery. The original of said agreement was retained by the wife of second respondent and a copy of the same was handed over to the petitioner. Later, when contents of the same was read over by her daughter to the petitioner, it was revealed that instead of one crore, Rupees ten lakhs alone was incorporated in the said contract. The original of the said contract is in the custody of second respondent. The Petitioner has produced the copy of the same. The original of the same is required to prove the case of the petitioner. The other documents sought to be produced are necessary to prove her case. Hence these applications.

6. The respondents filed counter statement stating that second respondent is not in custody of said agreement. The averments in the affidavit are not true. The petitioner has no right to reliefs.

7. Heard both sides. There cannot be any doubt that documents sought to be produced are relevant to fact of the case. Indeed, the counter statement of the respondents would show that second respondent is not in possession of original of agreement dated 31.03.2022. However, affidavit of the second respondent stating the said fact is not before the court. Hence, IA 1 of 2025 is allowed and the respondents No. 1 and 2 are directed to produce agreement dated

31.03.2022 executed before Notary at Thamarassery or file affidavit stating that they are not in the possession of the same. As already pointed out other documents sought to produced from Advocate Joseph Mathew, Notary Public, Thamarassery, Secretary Thiruvallur Grama Panchayath, Secretary, Maha Siva Kshethram Thiruvallur are also relevant to the facts of the case. Hence I am inclined to allow IA 2 of 2025, IA 4 of 2025 and IA 5 of 2025 as well.

8. Accordingly IA 1 of 2025, IA 2 of 2025, IA 4 of 2025 and IA 5 of 2025 are allowed. The respondents No.1 and 2 shall produce the original of agreement dated 31.03.2022 executed before Advocate Joseph Mathew, Notary Public, Thamarassery or file affidavit stating the reason of the non production. Issue summons to Advocate Joseph Mathew, Notary Public, Thamarassery and call for Notary register with serial No. 79, Volume No.3 and page No.95 dated 31.03.2022. Issue summons to Secretary Thiruvallur Grama Panchayath and call for marriage register containing entry dated 19.09.2019. Issue summons to Maha Siva Temple at Thiruvallur and call for marriage register containing entry dated 07.09.2019.

Sd/-
Sub Judge, Vatakara

Witness and Exhibits marked on either side : NIL

Sd/-
Sub Judge, Vatakara

Fair/copy of Order in
IA 1,25, 2/25 , IA 4/25 and 5/25 in
SOP 03/2020 Dated 2/08/2025