

IN THE COURT OF THE SUBORDINATE JUDGE OF VATAKARA.

Present: Sri. Joji Thomas, Sub Judge.

Tuesday, the 24th day of June, 2025

IA 02/2024 IN OS 67/2023

Between:

Muhammad Rafeeq Karorath,
S/o. Mammu, Aged 56 years,
Parambath Karorath, Vilathapuram amsom,
Kuningad Desam , Purameri Village,
Vadakara Taluk.

}
Petitioner/
Plaintiff

And:

1. P Shareef,
S/o. Kunjabulla Haji, Aged 41 years ,
Kunjipeetikayil House,
Villiapally amsom desom,
Vadakara Taluk.

2. Kunjabdulla Haji,
S/o. Andru Haji, Aged 71 years
Kunjipeetikayil House,
Villapally amsom desom,
Vadakara Taluk

}
Respondents/
Defendants.

This petition coming on 18th day of June, 2025 for final hearing before me in the presence of Sri. K.B. Sivaramakrishnan and Sri. U.K. Muhammed Sadique, Advocates for Petitioner and of Sri. P. Divakaran and Smt. Shylaja, Advocates for R1 and Sri. M.K. Balakrishnan, Advocate for R2 and having stood over to this day for consideration, the Court passed the following:

ORDER

This application is filed under Order 13 Rule 9 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') to return original title deed dated 31.05.2023 produced as document No.1 along the plaint and replace the same with certified copy. The petitioner is the plaintiff in the suit. He needs to produce the same before the Village Office urgently. He is producing a certified copy of the same before this Court. Therefore, original may be ordered to be returned to the petitioner. If this Court directs the return of the original, he is ready to return it as and when required. If the original is not returned, he will suffer irreparable loss and hardships. Hence, this application.

2. The first respondent filed counter statement with following contentions:- This application is a malafide attempt to destroy a material object in a criminal case filed by this respondent against the petitioner and the 2nd respondent. This respondent asserts that the document dated May 31, 2023, filed with the plaint, is a fabricated document created through a conspiracy to illegally seize property, causing unlawful loss to this defendant. This respondent filed a criminal complaint with the Superintendent of Police, Kozhikode Rural, on July 21, 2023. Subsequently, another complaint was filed with Thamarassery Police on August 13, 2023, leading to registration of Crime No. 608 of 2023 (Sections 463, 465, 468, 471, 420, 34 IPC) regarding the fabricated power of attorney and

sale deed. The respondent believes this suit is a tactic to evade these criminal actions. Due to slow investigation, WP (CrI) No. 975 of 2024 was filed to push for a special investigation team for Crime 608 of 2023. Sale Deed No. 1701 of 2023 (SRO Thamarassery) is a crucial material object in the criminal case, unseized due to the petitioner's influence. The respondent fears the petitioner's true intent is to destroy this document after retrieving it from the Court. The stated reason for return to produce it before the Village Office is utterly false, especially since the petitioner is not relying on it in the criminal case and could easily use a certified copy. Thus, this petition is deemed malafide.

3. Heard both sides.

4. The application's prayer is to return original Deed No. 1701 of 2023 of SRO, Thamarassery, which was produced as Document No. 1 along with the plaint, and to replace it with a certified copy. The stated reason for this is to produce the original before the Village Office. However, the accompanying affidavit doesn't reveal why is it necessary to produce the original before the Village Office. It is important to note that the said original deed is a subject matter in criminal case Crime No. 608 of 2023, alleging offenses punishable under Sections 463, 465, 468, 471, 420, and 34 of the Indian Penal Code, 1860. Given that the sale deed is under criminal investigation for allegation of forgery, I am not inclined to allow this application to return the original. Accordingly, this application is to be dismissed.

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

(Dictated to C.A, typed by her, corrected and pronounced by me in Open Court, on this the 24th day of June, 2025)

Sd/-
SUB-JUDGE,
VATAKARA

Witnesses and Exhibits marked on either side:

NIL

Sd/-
SUB-JUDGE,
VATAKARA.

Fair/Copy of order
in IA.02/2024 in OS 67/2023
dtd 24/06/2025