

IN THE COURT OF THE MUNSIFF, NADAPURAM.

Present: Sri. Yadukrishnan. B, Civil Judge (Junior Division)

Wednesday, the 5th day of November, 2025**IA 11/2025 in OS 151/2023**Between:

REEJESH @ RIJEESH,	]	
S/o. Baskaran, Aged 46 years, Business,	]	<u>Petitioner/</u>
Kallankott House, Narippatta Amsam, Thinoor	]	4 th Defendant
Desam.	]	

And:

1	ASHOKAN,	]	
	S/o. Krishnan, Aged 62 years, Puthiyott House,	]	
	Mokeri Amsam Desam, Vatakara Taluk.	]	
2	VATTOLI NATIONAL HIGH SCHOOL	]	
	COMMITTEE,	]	
	Represented by its President, Vattoli (PO),	]	
	Kunnummal Amsom, Vattoli Desom, Vatakara	]	
	Taluk, Kozhikode, Kerala, Pin: 673 507.	]	
3	K. P. RAJAN,	]	
	S/o. Kunhiraman Nair, President, Vattoli National	]	<u>Respondents/</u>
	High School Committee, Kunnummal Amsom,	]	1 st , 2 nd and 3 rd
	Vattoli Desom, Vattoli (PO), Vatakara Taluk,	]	Defendants
	Kozhikode, Kerala.	]	
4	RAVEENDRAN. E,	]	
	S/o. Kumaran, Secretary, Vattoli National High	]	
	School Committee, Kunnummal Amsom, Vattoli	]	
	Desom, Vattoli (PO), Vatakara Taluk, Kozhikode,	]	
	Kerala.	]	

This petition coming on this day for hearing before me in the presence of Sri. Adeeb Salah. V. K, Advocate for petitioner and of Sri. P. Divakaran,

Advocate for R1 and of Sri. N. M. Rajagopal, Advocate for R2 to R4 and this court passed the following:-

ORDER

This is a petition filed under Order 16 Rule 1 of Code of Civil Procedure to issue summons to the witness.

2. **The averment in the petition is as follows:-** According to petitioner/4th defendant he want to issue summons to the witness mentioned in the list for examining him as the witness and also to produce the documents. Hence, the petition may be allowed.

3 The respondent filed objection to the petition which is in brief as follows:- According to respondent, the evidence of the plaintiff has already been completed and the defendants 1 to 3 has already stated that they have no oral or documentary evidence and the evidence of defendants 1 to 3 has already been closed. The 4th defendant who is the petitioner came to the court for adducing evidence by filing a proof affidavit. However, he was unable to give evidence since he was suffering from low blood pressure. Therefore, the counsel for the 4th defendant withdrawn his evidence and the case was posted for the evidence of 4th defendant if any. At the time of filing the proof affidavit of the 4th defendant no documents were marked from their side. So, the present petition to summon the witness by producing the documents is highly belated and has no sancity at all.

Hence, the petition may be dismissed.

4. This court has heard both sides. First of all the petition is highly belated as the 4th defendant who is the petitioner in this IA has appeared before this court by filing a proof affidavit and since he was unwell his evidence was withdrawn by the counsel. At the time of filing that proof affidavit no documents were marked from the side of the 4th defendant that is the petitioner in this IA. Therefore, filing the present petition to summon a witness to produce the documents is highly belated and is only to prolong the case. If the petitioner has that much necessity they could have produce these documents prior before the trial directing the party to produce the documents. It has not been done in this case. There is no reason specified in the petition as to what purpose the witness is called for and examined on the part of the petitioner. Therefore, the petition is without bonafides and is only to be dismissed.

In the result, IA 11/2025 is dismissed with costs.

(Dictated to Confidential Assistant, Typed by him in office computer corrected and pronounced by me, in Open Court, on this the 05th day of November, 2025).

Sd/-
Civil Judge (Junior Division)

/True Copy/

Civil Judge (Junior Division)

Fair/Copy of order in IA 11/2025 in OS 151/2023.
Dated : 05.11.2025.