

IN THE COURT OF THE MUNSIFF, PUNALUR
PRESENT :-Smt. Reshma R.S, Civil Judge, Junior Division
Thursday the 26th day of March 2026, 5th day of Chaithra 1948.

IA 8/2025 in OS 147/2019

Between

Petitioner/

Plaintiff : R. Damodaran Pillai, 80 years, S/o.Sankunni pillai
Dwaraka, Kannimeltheri, Pattazhy village,
Pathanapuram.

(By Adv.L Thomas)

And

Respondents : 1. Jayarajan, S/o. Thankappan Pillai, Porunnel
Defendants Padinjattathil Veedu, Kannimel Theri,
Pattazhy village, Pathanapuram.
2. Maya Nair, aged 50 years,
Porunnel Padinjattathil Veedu, Kannimel Theri,
Pattazhy village, Pathanapuram.

(By Adv.C.B Sanalkumar)

This petition is coming on for hearing before me on 26.03.2026 and on the same day court passed the following.

ORDER

This is an application filed under Section 151 CPC by the plaintiff in the suit seeking two reliefs. The first relief sought is to review the order in IA No. 3/2020, as the applicant did not produce the admitted original signatures prior to the date of execution of the promissory note as specified in the order in that application and also to give a direction to the first defendant to file a separate written statement by affixing his signature.

2. The respondents filed objection contending that the present application is not maintainable. According to the respondents, there are several other factors to be ascertained, as shown in IA No. 3/2020. The applicant in IA No. 3/2020 fulfilled all the conditions specified in the order. It was also contended that the first defendant appeared before CMO and performed all acts as directed by the CMO in the presence of both counsels.

3. Heard both sides.

4. The sole point to be considered is whether this application can be allowed.

5. **The point:** The learned counsel for the applicant argued that the application is to be allowed in the interests of justice. According to the applicant, the respondents failed to comply with the direction of this court in the order in IA No. 3/2020. Hence, prayed for a review of the order in IA No. 3/2020 and for dismissal of that application. Per contra, the learned counsel for the respondents vehemently opposed the application on the ground that it is an abuse of the process of the court. It was contended that the respondents fulfilled all the requirements to send the materials to FSL and hence prayed for the dismissal of this application.

6. The present application is filed seeking two reliefs. The first relief sought is to review the order in IA No. 3/2020, as the applicants in that application failed to comply with the directions of this court in that order. As per the order in IA No. 3/2020, the applicant therein was directed to take all steps to send the disputed document to FSL and also to produce the admitted

signatures prior to the date of the disputed transaction. From the arguments advanced, it can be seen that the applicant in IA No. 3/2020 produced only his passport and driving licence. No other admitted signatures were produced. A perusal of IA No. 3/2020 makes it clear that there are 10 matters sought to be ascertained in that application, and that application was already allowed by this Court. Now the contention is that, as the applicant in IA No. 3/2020 failed to produce the admitted signature, the order in that application is to be reviewed, and that application is to be dismissed. However, it is to be noted that the Applicant in IA No. 3/2020 remitted all the requisite fees to send the materials to FSL. However, no documents containing the original signature prior to the date of the transaction were produced. That fact alone cannot be considered as a reason to review the order in IA No. 3/2020 and to dismiss that application. It can only be seen that the applicant failed to make out the grounds for review of the order in IA No. 3/2020. Hence, the first relief sought in this application cannot be allowed.

7. The next relief sought in this application is to give a direction to the first respondent to file a separate written statement affixing his signature. It is to be noted that there is no provision of law to give such a direction to the first defendant. It is to be noted that the plaint itself is filed, contending that the second defendant is the power of attorney holder of the first defendant. The power of attorney holder has already filed a written statement for and on behalf of the first defendant. It is for the defendant to decide whether to file the written statement or not to file it, or to conduct the case or not to conduct. A

mandatory direction cannot be given to the first defendant to file a separate written statement. I do not find any merit in this application. Also, this Court is of the view that the inherent powers of the Civil Court cannot be exercised to direct the defendant to file a separate written statement. It is to be noted that the second defendant already filed a written statement for and on behalf of the first defendant. Considering all these things, this Court is of the view that the present application is liable to be dismissed.

In the result, this application is dismissed with costs to the respondents.

Pronounced in open court on this the 26th day of March, 2026.

Sd/-

Civil Judge (Junior Division)

Appendix: Nil

Id/-

Civil Judge (Junior Division)

//True Copy//

Typed by : Athira Janardhanan

Compared by :

CIVIL JUDGE (Junior Division)