

IN THE COURT OF THE MUNSIFF OF KANNUR

Present: Sri.Manikandan.C.K, Principal Munsiff, Kannur,
Tuesday, the 17th day of March, 2026 (26th Phalguna, 1947)

IA.1/2026 & IA.2/2026 in OS.127/2025

C.M.Sreeja, D/o.Sahadevan, Coolie, aged 55]	
years, Morkothi House, P.O.Chalad, Pallikunnu]	
amsom, desom, Kannur Taluk, Kannr,]	Petitioner/
Ph:9633017650, Now temporarily occupying by]	Defendant
force at Kandathankandi House, Bhanu Road,]	
P.O.Chalad, Puzhathi amsom, Chalad desom.]	
		Vs.
K.Sreelatha, Retd. Professor, aged 68 years,]	
D/o.Karthyayani, Sree Varshini, P.O.Chalad,]	Respondent/
Kannur-14, Ph: 9447646992.]	Plaintiff

These petitions coming on this day for hearing before me in the presence of Sri.A.K.Sajith, Advocate for the petitioner/defendant; S/Sri.K.Sujith, K.Smitha and M.Ramesh Kumar, Advocates respondent and the court passed the following:

COMMON ORDER

I.A 01/2026

This is a petition filed under Order XVI Rule 1 and under Section 151 of C.P.C to receive the witness list.

2. The petition averments in brief are as follows:- The petitioner is the defendant in the above suit. The above suit filed for mandatory injunction to eject the petitioner/ defendant from the plaint schedule property. The written statement itself may be considered as part of this petition. The deceased

Moorkothi Kandothankandi Karunakaran has executed a Will in his lifetime and told the petitioner/ defendant and family that his property obtained him as per the partition deed No.1103/1961 of SRO, Kannur and house in it along with other properties is bequeathed in the name of the petitioner/ defendant and children. It is understood that the deceased Moorkothi Kandothankandi Karunakaran had maintained Account No.421522000006680, Customer ID 9849403 with the erstwhile Syndicate Bank and that a locker facility was available in connection with the said account. Since Syndicate Bank has merged with Canara Bank, the said branch of Canara Bank is presently retaining the said account. The bank account book has been traced out and is produced before this court. Hence a witness list is filed to issue summons to the Branch Manager, Canara Bank, Chalad Branch, directing the bank to produce the account details, including locker account details and connected records relating to Account No.421522000006680, Customer ID 9849403 of the deceased Karunakaran M.K, Moorkoth House, Chalad. Hence this petition to receive the witness list filed along with this petition in file. Unless this petition is allowed the petitioner will be put to severe injuries and hardships. Hence this petition.

3. The respondent filed counter statement contending that the above petition is not legally sustainable. The defendant is misusing the process of the court and is using the court for a ride. Earlier she filed a petition IA 4/2025 to appoint an Advocate Commissioner to inspect the Canara Bank, Chalad and to break open the lock of locker Account No.120020076513 stating that the said was holding by one M.K.Karunakaran and he had executed a Will and is kept in that locker. Accordingly, the commissioner

inspected and found that the said account belong to C.M Sreeja, who is the defendant herein and is a loan account herself. She has filed false statement before the court and is misusing the process of court to her wish and fancy. On that day itself she had stated to the Manager that there is another account with the Syndicate Bank, Chalad Branch and the said account book of Account No.421522000006680 is an account of M.K Karunakaran. But the Manager then and there itself stated that the account already merged with Canara Bank and there is no locker account standing in his name. In the petition itself there is no averment as regarding the date, year or month of Will which is allegedly executed by M.K Karunakaran. So it is clear that there is no such document executed ever by Karunakaran and on the other hand, the plaintiff who is the legal heir of which document is produced along with the plaint are the sole owners of the plaint schedule property. So there is no need to summon the document stated in the witness list or in the petition and no purpose will be served by allowing the same. It is only a dilatory tactics. There is no merit in the same. Hence the petition is to be dismissed.

I.A No. 02/2026

4. This is a petition filed under Order XVI Rule 2 of C.P.C to issue summons to the witness.

5. The petition averments in brief are as follows:- The petitioner is the defendant in the above suit. The above suit filed for mandatory injunction to eject the petitioner/ defendant from the plaint schedule property. The written statement itself may be considered as part of this petition. The respondent/ plaintiff has no right, title or possession over the plaint schedule property. The respondent claims that, being the legal heir of the deceased Moorkothi

Kandothankandi Karunakaran, the plaintiff, claims that the property devolved upon her and based on that claim the above suit has been filed. It is admitted that the defendant is residing in the plaintiff's property. The petitioner/defendant submits that she belongs to the Moorkothi Kandothankandi family and that Moorkothi Kandothankandi Karunakaran is the son of her paternal grandfather's cousin. Moorkothi Kandothankandi Karunakaran had executed a Will during his lifetime and had informed the defendant and her family that the property obtained by him as per partition deed No.1103/1961 of SRO, Kannur and house in it along with other properties is bequeathed in the name of the petitioner/defendant and children. He had also advised them to look after the said house and property as their own after his death and clearly stated that he would not transfer or give his rights over the said property to anybody other than this defendant and her children. He had further disclosed that the said Will was kept in safe custody in a locker at Canara Bank, Chalad Branch in connection with Account No.120020076513 in the name of the said Karunakaran. Even though a commission was issued, the bank authorities reported to the commissioner that there was no locker facility available in connection with the said account number and that the said account belonged to the defendant. However, during the inspection it came to light that the present Canara Bank, Chalad Branch was formerly Syndicate Bank, Chalad Branch and that Syn Bank had subsequently merged with Canara Bank. It is understood that the deceased Moorkothi Kandothankandi Karunakaran had maintained Account No.421522000006680, Customer ID 9849403 with the erstwhile Syndicate Bank and that a locker facility was available in connection with the said account. Since Syndicate Bank has merged with

Canara Bank, the said branch of Canara Bank is presently retaining the said account. The bank account book has been traced out and is produced before this court. The locker account details and the related records in connection with the said bank account are necessary for the proper adjudication of the above case pending before this court, particularly to ascertain the Will executed by the deceased. This court may be pleased to issue summons to the Branch Manager, Canara Bank, Chalad Branch, directing the bank to produce the account details, including locker account details and connected records relating to Account No.421522000006680, Customer ID 9849403 of the deceased Karunakaran M.K Moorkoth House, Chalad. A witness list is submitted along with this petition. Unless this petition is allowed the petitioner will be put to severe injuries and hardships. Hence this petition.

6. The respondent did not file any counter statement.

7. Heard both sides.

8. The petitioner/ defendant contended that the plaintiff/ respondent has no right, title or possession over the plaint schedule property. Further contention of the petitioner/ defendant is that she belongs to the Moorkothi Tharawad family and that Moorkothi Kandothankandi Karunakaran is the son of her paternal grandfather's cousin. Further contention of the petitioner/ defendant is that the plaintiff is very well known the relationship of the defendant with Moorkothi family. Further case of the petitioner/defendant is that Moorkothi Kandonthankandi Karunakaran had executed a Will in her name and the said Will is in the safe custody of locker at Canara Bank, Chalad Branch with an Account No.120020076513. An Advocate Commissioner inspected the bank as per order in IA 4/2025 and

commissioner reported that there was no locker facility available in connection with the above said account number. Further contention of the petitioner/ defendant is that during the inspection it is came to know that the present Canara Bank Chalad Branch was formerly Syndicate Bank Chalad Branch and that Syndicate Bank, Chalad Branch subsequently merged with Canara Bank. The deceased Moorkothi Kandothankandi Karunakaran had maintained the account number 421522000006680, Customer ID No.9849403 with Syndicate Bank then and a locker facility was available in connection with the said account. Since the Syndicate Bank has merged with Canara Bank , the said branch of Canara Bank is presently retaining the said account. Further contention of the petitioner/ defendant is that the bank account book has been traced out produced before the court. So the locker account details and the related records in connection with the said bank account are necessary for the proper adjudication of the above case to ascertain the Will executed by deceased Moorkothi Kandanthankandi Karunakaran.

9. On the other hand, the respondent/plaintiff contended that the petitioner/ defendant is misusing the process of the court. The petitioner/ defendant filed IA 4/2025 to appoint an Advocate Commissioner to inspect the Canara Bank, Chalad Branch and to open the locker Account No.120020076513 by stating that the said account was holding by M.K.Karunakaran, he had executed a Will and is kept in that locker. Accordingly, the commissioner inspected and found that said account belongs to C.M Sreeja, who is the defendant herein and same is a loan account of herself. On that day itself, the defendant had stated to the Manager that another account with Syndicate Bank, Chalad Branch and said account book

of account number is 421522000006680 is an account of M.K Karunakaran. But the Manager then itself stated that that bank account already merged with Canara Bank and there is no locker account standing in his name. There is no averment regarding the date, year or month of Will which is allegedly executed by M.K Karunakaran and there is no such document executed ever by Karunakaran. So there is no need to summon the documents stated in the witness list.

10. From the rival contentions it can be seen that the objection raised by the plaintiff/ respondent is that the defendant/ petitioner is not the legal heir of Moorkothi Kandothankandi Karunakaran and denied the alleged execution of Will by him. The main contention of the respondent/ plaintiff is that she is the co-owner of the plaint schedule property. Whereas the case of the petitioner/ defendant is that she has title over the plaint schedule property on the basis of Will executed by Moorkothi Kandothankandi Karunakaran. The main contention of the petitioner/ defendant is that deceased Moorkothi Kandothankandi Karunakaran had maintained account number 421522000006680, Customer ID No.9849403 with the Syndicate Bank then and the locker facility was available in connection with the said account, since the Syndicate Bank merged with Canara Bank. The said branch of Canara Bank is presently retaining the said account and the Will was kept in safe custody in the locker.

11. The learned commissioner reported in the report dated 12-12-2025 is that the Account No.120020076513 is a loan account belonged to C.M.Sreeja, defendant in this case and there is no locker facility available with Canara Bank, Chalad Branch. On going through the case records the

petitioner/ defendant produced passbook of Mr. M.K Karunakaran, Account No.421522000006680, Customer ID No.9849403. That itself shows that there was an account in the name of M.K Karunakaran with Account No.421522000006680 maintained in Syndicate Bank, Chalad Branch. In order to decide the dispute involved in this case I am of the view that the petition can be allowed.

In the result, these applications are allowed as follows:-

1. Witness list received.
2. Issue summons to the Branch Manager, Canara Bank, Chalad Branch to produce the account details of Account No.421522000006680, Customer ID No.9849403 of deceased Karunakaran. M.K, Moorkoth House, Chalad, including locker account details and connected records relating to the said account.
3. The petitioner shall pay batta of Rs.2000/- directing to the witness.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 17th day of March, 2026).

Sd/-

PRINCIPAL MUNSIFF

// True Copy//

PRINCIPAL MUNSIFF

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Fair/Spare of Common Order in
IA.1/2026 & IA.2/2026 in
OS.127/2025, dated: 17.03.2026.