

IN THE COURT OF THE MUNSIFF OF KANNUR

Present: Sri.Manikandan.C.K., Principal Munsiff, Kannur,
Wednesday, the 8th day of April, 2026 (18th Chaithra, 1948)

EA.No.05/2026 in EP.No.235/2022 in OS.No.543/2010

Thekkath Pradeeshan, S/o.Kunhan,]	
aged 50 years, Driver, Muttannur]	Petitioner/
Quarters, Koodali amsom, Muttannur]	Petitioner
desom, P.O.Pattannur, Kannur District.]	

V/s.

Parakkandi Prasanna, D/o.Raman,]	
aged 44 years, Koodali amsom,]	Respondent/
Poovathur desom, P.O.Koodali, Kannur.]	Respondent

This Suit coming on the 25th day of March, 2026 for hearing before me in the presence of Sri.C.Krishnan, Advocate for the petitioner, Sri.Sureshkumar Nambiar.K.P., Advocate for the respondent; and having stood over for consideration till this day; the court delivered the following:

ORDER

This is a petition filed under Order 13 Rule 10 r/w Section 151 of CPC to send for records from the Hon'ble Sub Court, Thalassery, Hon'ble Sub Court, Kannur and Munsiff Court, Kannur.

2. The petition averments in brief are as follows:- The petitioner herein is the petitioner in the execution petition. The EP is filed for punishment of the defendant/respondent for violation of the decree for injunction passed on 16.01.2012. The assignor of the plaintiff is the elder sister of the defendant. The sister of the

defendant, Rohini obtained property as per the compromise entered into between the plaintiff and defendant in OS 267/2006 of Hon'ble Principal Sub Court, Thalassery. The respondent in the EP was the plaintiff No.4 in OS 267/2006 of the Hon'ble Sub Court, Thalassery. Against the decree in OS 543/2010, the respondent has appeared before the Hon'ble Sub Court, Kannur in AS 343/2012 which was dismissed on 21.03.2015. Since the respondent/defendant is disputing all the litigation before the Hon'ble Sub Court, Thalassery. The appearance and giving evidence in OS 543/2020 before this court and filing of AS 343/2012 before the Hon'ble Sub Court, Kannur, the petitioner has filed EA 357/2024 seeking answer by the respondent regarding the litigation before the Hon'ble Sub Court, Thalassery, Munsiff Court, Kannur and Hon'ble Sub Court, Kannur. But the respondent has denied the litigation and refused to answer the interrogatories. Hence the above application is filed to send for documents from the file of Hon'ble Sub Court, Thalassery, Hon'ble Sub Court, Kannur and Munsiff Court, Kannur.

3. The respondent filed counter statement contending as follows:- This petition is not maintainable either in law or on facts. The contention of the respondent/ judgment debtor is that she is not Parakkandy Prasanna as stated in the cause title, but she is

Paraprath Prasanna. This petitioner is defendant No.2 in OS 50/2022 of Additional Munsiff Court, Kannur and name of this respondent (defendant No.1 in OS 50/2022) is amended from Parakkandy Prasanna to Paraprath Prasanna. Further contention of the respondent is that without amending the decree in OS 543/2010 and AS 343/2012, the purpose of the production of document will not be served. Hence, this application is liable to be dismissed.

4. Heard both sides.

5. The contention of the petitioner/deed holder is that the assignor of the plaintiff is the elder sister of the defendant. The sister of the defendant, Rohini obtained property as per the compromise entered into between the plaintiff and defendant in OS 267/2006 of Hon'ble Principal Sub Court, Thalassery. The respondent in the EP was the plaintiff No.4 in OS 267/2006 of the Hon'ble Sub Court, Thalassery. Against the decree in OS 543/2010, the respondent has appeared before the Hon'ble Sub Court, Kannur in AS 343/2012 which was dismissed on 21.03.2015. Since the respondent/defendant is disputing all the litigation before the Hon'ble Sub Court, Thalassery. The appearance and giving evidence in OS 543/2020 before this court and filing of AS 343/2012 before the Hon'ble Sub Court, Kannur, the petitioner has filed EA 357/2024

seeking answer by the respondent regarding the litigation before the Hon'ble Sub Court, Thalassery, Munsiff Court, Kannur and Hon'ble Sub Court, Kannur. But the respondent has denied the litigation and refused to answer the interrogatories. Hence the above application is filed to send for documents from the file of Hon'ble Sub Court, Thalassery, Hon'ble Sub Court, Kannur and Munsiff Court, Kannur.

6. On the other hand, the contention of the respondent/judgment debtor is that she is not Parakkandy Prasanna as stated in the cause title, but she is Paraprath Prasanna. This petitioner is defendant No.2 in OS 50/2022 of Additional Munsiff Court, Kannur and name of this respondent (defendant No.1 in OS 50/2022) is amended from Parakkandy Prasanna to Paraprath Prasanna. Further contention of the respondent is that without amending the decree in OS 543/2010 and AS 343/2012, the purpose of the production of document will not be served.

7. On going through the records, it can be seen that EP 235/2022 is originated from decree in OS 543/2010. The main grievance of the decree holder is that the respondent has willfully disobeyed the decree passed by this court and therefore, requested to send the judgment debtor to the Civil Prison. The judgment debtor filed counter in the EP by stating that she is not Parakkandy

Prasanna, but her name is Paraprath Prasanna. Further contention of the judgment debtor is that the petitioner herein filed OS 50/2022 and taken steps to amend the plaint regarding her original house name. Further contention of the judgment debtor is that the decree in OS 543/2010 and AS 343/2012 are not binding on her and she is taking steps to get the above decree and order declared null and void. It is true that the petitioner/ decree holder filed application to serve interrogatories as EA 357/2024 and direct the respondent to produce document as EA 332/2024. Those applications were allowed by this court. Thereafter, the respondent did not file answer affidavit and not produced documents. Thereafter, the respondent/ JD filed EA 3/2026 and EA 4/2026 to receive the document and to receive the answer to the interrogatories respectively. The decree holder filed counter in those applications and same is pending for consideration.

8. A close scanning through the above EA 5/2026, there is no any specific averments that how and what manner the original of the documents are material to decide the dispute involved in this matter. There is no any pleading in the petition that whether the decree holder applied for any certified copy of the documents mentioned in the application. If the certified copy of the documents mentioned in

the above application are produced , the purpose of the petitioner/ decree holder will be served. It is also to be noted that the contention of the decree holder is that the JD has refused to answer the interrogatories. Anyhow, the JD/ respondent filed answer to the interrogatories with delay petition. Under these circumstances, I am of the view that the production of original documents mentioned in the above application are not at all necessary for the purpose of the above matter. If at all the decree holder is having any grievance, the remedy of the decree holder is to produce the certified copy of the documents mentioned in the above application. Hence, the application is liable to be dismissed.

In the result, this application is dismissed.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 8th day of April, 2026)

Sd/-
PRINCIPAL MUNSIF

Copied by: Sajini.C.V.

(True Copy)

Fair/ Spare/Carbon Copy of
Order in EA.05/2026 in
EP.235/2022 in OS.543/2010
Dated: 08.04.2026.