

IN THE COURT OF THE MUNSIFF, ETTUMANOOR

Present: Miss. Annu Mary Jose., Munsiff

Thursday, the 9th day of October, 2025
17th day of Aswina, 1947

IA.11/2024 in OS. No.211/2022

Petitioner/Plaintiff:

P.K.Sajeevan, aged 46 years,
S/o. Late Achuthan Kuttappan,
Poovamnilkkunnathil House, Kurumulloor Kara,
Kurumulloor P.O., Kanakkary Village, now residing at
Rented House No.13/385, Kallampara Kara,
Kallampara Village, Meenachil Taluk, Kottayam District.

By Adv. Jagan James,
Adv. Gopakumar &
Adv. P.T.Kunjachan

Respondents/Defendants:

1. Vijayamma, aged 51 years, W/o. Late Balakrishnan,
Poovamnilkkunnathil House, Kurumulloor Kara,
Kurumulloor P.O., Kanakkary Village,
Meenachil Taluk.
2. Akhila, aged 30 years, D/o. Late Balakrishnan,
Poovamnilkkunnathil House, Kurumulloor Kara,
Kurumulloor P.O., Kanakkary Village,
Meenachil Taluk.

3. Anusha, aged 27 years, D/o. Late Balakrishnan, Poovamnilkkunnathil House, Kurumulloor Kara, Kurumulloor P.O., Kanakkary Village, Meenachil Taluk.
4. Divya, aged 23 years, D/o. Late Balakrishnan, Poovamnilkkunnathil House, Kurumulloor Kara, Kurumulloor P.O., Kanakkary Village, Meenachil Taluk.
5. P.K.Jayasree, aged 53 years, W/o. Sreekumar, Saikripa House, Poonthoppu Ward, Avalookkunnu P.O., Alappuzha.
6. P.K.Kusumakumari, aged 59 years, D/o. Achuthan Kuttappan, Kunnel Puthenpurackal House, Elanji P.O., Piravam, Ernakulam.

R1, R5 and R6 by Adv. K.Vinod Kumar
R2, R3 and R4 No Vakalath.

This Petition has come up for hearing on 24.09.2025 and the court 09.10.2025 passed the following:-

ORDER

This application is filed by the plaintiff to direct the defendants to produce the original of sale deed no.426/2002 of SRO, Kuravilangad.

2. The averments in the affidavit filed in support of the application in brief are as follows:- The petitioner is the plaintiff in the above case. The suit is for declaration, permanent prohibitory injunction and other reliefs. The plaintiff's father purchased plaint schedule item no.3 property for developing a cartable way to his property including plaint schedule item nos. 1 and 2 properties. The father entrusted money to his eldest son Balakirshnan and directed him to purchase the property in the name of father. As against the instruction given by the father, the eldest son Balakrishnan purchased the property in his name as sale deed no.426/2002 of SRO Kuravilangad. He had never shown the sale deed no.426/2002 to father or other family members. He stated that the original of the sale deed no.426/2002 was accidentally lost. Now the defendants came out with a different case that the said property was purchased by Sri. Balakrishnan. The original of

the alleged sale deed no.426/2002 of Kuravilangad SRO is a crucial matter of evidence in this case. Hence it is prayed to direct the defendant to produce the original of sale deed no.420/2002 of SRO Kuravilangadu.

3. The defendants/respondents filed objection contending as follows:- The application is not maintainable. The suit is filed by the plaintiff admitting the execution and registration of the sale deed no.426/2002 of SRO, Kuravilangadu. Since the execution of document is admitted and consideration of the same alone is challenged, there is no need to produce the original document before this court. The property covered by the above deed is in absolute ownership, possession and enjoyment of Balakrishnan during his life time and after his death the property is in the joint possession and enjoyment of his legal heirs. The signature in the document and its registration are also not disputed. The production of original document is not required to come to a conclusion regarding passing of consideration. Hence, it is prayed to dismiss the application.

4. Heard. Perused the records.

5. The learned counsel for the petitioner submitted that the suit is to declare the joint title of the plaintiff over the plaint schedule item no.3 property with legal heirs of late Achuthan Kuttappan and to set aside the sale deed no.426/2002 of SRO, Kuravilangadu. The original of sale deed no.426/2002 is a crucial matter of evidence. Hence, it is prayed to allow the application. Per contra, the learned counsel for the respondents submitted that the petitioner has not challenged the execution and registration of document and production of original document is not necessary for the just decision of the case. Hence, it is prayed to dismiss the application.

6. I have gone through the contentions of the learned counsel for the petitioner, learned counsel for the respondents and perused the records in the above case. It is contended by the plaintiff/petitioner that sale deed no.426/2002 in the name of the eldest son Balakrishnan is only nominal and is not binding on the plaintiff. It is to be noted that the plaintiff has not disputed the execution of the above sale deed. The plaintiff has no case that the same is not a registered one. His contention is that Balakrishnan purchased the property in his

personal name using the money given by his father Achuthan Kuttappan. The prayer of the plaintiff is to set aside the sale deed no.426/2002 as nominal. It is to be noted that the reason for directing the defendant to produce above sale deed is not stated in the application. Mere reason stated in the application is that the same is a crucial matter of evidence in the case. So, considering the facts and reliefs of the suit, there is no need to direct the defendant to produce the document. Hence it is fit to dismiss the application.

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

(Dictated to the Confidential Assistant, transcribed and typed by her corrected by me and pronounced in open Court on this the 09th day of October, 2025)

**Sd/-
Annu Mary Jose
Munsiff**

APPENDIX : NIL

Typed by :
Compared by :

**Sd/-
Annu Mary Jose
Munsiff**