

IN THE COURT OF THE SUBORDINATE JUDGE OF TIRUR
Present: Smt.Vincy.T.V, Subordinate Judge

Monday, the 16th day of June, 2025
26th day of Jyaishta, 1947

INTERLOCUTORY APPLICATION No. 5 OF 2025
(In OS No.77/2017)

Between:

Borogo Export and Import,
 represented by its Managing Partner Assainar,
 49 years, S/o.Kodan Moideen,
 Post Parambil Peedika, Tirurangadi Taluk,
 Malappuram District.

} Petitioner/
 Plaintiff

And:

1. Kuruppath Mohamed, 69 years,
 S/o.Kuruppath Kunhammed, Kuruppath House,
 Neduva PO, Tirurangadi Taluk, Malappuram Dist.
2. Ramla, 59 years, W/o.Mohammed,
 Kuruppath House, Neduva PO, Tirurangadi Taluk,
 Malappuram Dist.
3. Irshad, 49 years, S/o.Mohammed,
 Kuruppath House, Neduva PO, Tirurangadi Taluk,
 Malappuram Dist.
4. Faris, 56 years, S/o.Abdul Rahman, Falaq Manzil,
 Near Prasanth Hospital, Chettippadi PO,
 Tirurangadi Taluk, Malappuram Dist.

} Respondents/
 Defendants

This petition coming on this day for hearing before me in the presence of Sri.S.Hariharan and Sri.T.U.Shaik Abdulla, Advocates for the petitioner and of Sri.Kunhalikutty Kadakulath, Advocate for the defendants No.1 and 2 and of Sri.Mahir Ali.K, Advocate for the defendant No.4 and the defendant No.3 being called absent and set ex parte, the Court passed the following:

ORDER

The petition is filed under Section 151 of Civil Procedure Code.

2. Heard. This petition is filed for call for documents from Commercial Tax Office. Already petitioner filed application and that was allowed for calling for certain documents. Commercial Tax officer was also present and examined as PW2. Documents also marked as Ext.X series. Now another petition filed again for summoning the same witness for producing certain other documents. In fact there is a bar under Civil Rules of Practice Rule 120 for issuing summons to produce these documents from public officer. Eventhough witness was once summoned, the petitioner again filed application for producing the documents and recalling the witness. It is a abuse of process of law. Apart from specifying some documents to be produced nothing has been stated what is the purpose for producing the document and what prevented them to call for it when the witness was summoned earlier. Besides the relevancy of document, whether the certified copy would answer the purpose, whether the petitioner has applied for certified copy from the public office etc are not seen from the petition. Hence as per Rule 120(3) of Civil Rule of Practice this court is declined to allow this petition. Hence dismissed.

(Pronounced by me in open Court on this the 16th day of June, 2025)

SUBORDINATE JUDGE

Typed by : Divya.K.B
Compared by: Divya.K.B

Anju.P.

Fair Order in **IA 5/2025**
in OS 77/2017 dated:16.06.2025.