

IN THE COURT OF THE MUNSIFF OF CHAVAKKAD
PRESENT:- Dr. Aswathy Asok., Munsiff
Thursday, the 3rd day of July, 2025/12th Jyestham 1947 SE

I.A 5/2025, I.A 6/2025 AND I.A 7/2025 in O.S 1080/2011

I.A 5/2025

Petitioner/Defendant

Sivan @ Sivadasan, Aged 55 years, S/o Machingal Velayudhan,
Punnayur Amsom Desom, Chavakkad Taluk

(By Adv. K.S. Binoy)

Respondent/Plaintiff :-

Ponnambathayil Ummu @ Kadeejakutty, D/o Nediyantharayil @
Pazhunnamparambil Kunjumoosa, W/o Ettonnil Muhammadunny,
Vadakkekkad Amsom Desom, Chavakkad Taluk.

(By -By K.I.Chacko)

I.A 6/2025

Petitioner/Defendant

Sivan @ Sivadasan, Aged 55 years, S/o Machingal Velayudhan,
Punnayur Amsom Desom, Chavakkad Taluk

(By Adv. K.S. Binoy)

Respondent/Plaintiff :-

Ponnambathayil Ummu @ Kadeejakutty, D/o Nediyantharayil @
Pazhunnamparambil Kunjumoosa, W/o Ettonnil Muhammadunny,
Vadakkekkad Amsom Desom, Chavakkad Taluk.

(By -By K.I.Chacko)

I.A 7/2025:-

Petitioner/Defendant

Sivan @ Sivadasan, Aged 55 years, S/o Machingal Velayudhan,
Punnayur Amsom Desom, Chavakkad Taluk

(By Adv. K.S. Binoy)

Respondent/Plaintiff :-

Ponnambathayil Ummu @ Kadeejakutty, D/o Nediyantharayil @
Pazhunnamparambil Kunjumoosa, W/o Ettonnil Muhammadunny,
Vadakkekkad Amsom Desom, Chavakkad Taluk.

(By -By K.I.Chacko)

These petitions are coming on 25.06.2025 for hearing, the court passed the following:-

COMMON ORDER

The petitions filed to receive the documents, reopen the defendant's evidence and recall DW1 to mark the document.

2. The averments in the petitions, in brief, are as follows:- The petitioner is the defendant in the suit. The suit is one for a permanent prohibitory injunction. The case was posted for hearing on 09.06.2025. The petitioner had filed a police complaint when the respondent tried to obstruct the disputed way. It was also stated in the written statement. However, the petitioner could not produce the document at the time of the evidence. There is no wilful latches on the part of the petitioner. Hence, the document is to be received, the defendant's evidence has to be reopened, and DW1 has to be recalled for marking the document.

3. The respondent filed counter statements with the following contentions:-

The petitions are not maintainable either in law or on facts and filed without bonafides. There is no basis for receiving the alleged police complaint in evidence. The petitioner has not taken the proper steps to produce the document through the police authorities. The petition cannot be allowed as the evidence of both parties is over. Therefore, the petitions are liable to be dismissed.

4. From the above rival contentions, the following point arises for consideration:-

Whether the petitions are allowable?

5. The point:- The petitioner is the defendant in the suit. The suit is one for a permanent prohibitory injunction. It is the contention of the petitioner that the petitioner had filed a police complaint when the respondent tried to obstruct the disputed way. It was also pleaded in the written statement. However, the defendant could not produce the police complaint at the time of the evidence. Per contra, the respondent contended that there is no basis for allowing the petition to receive the alleged police complaint in evidence. The petitioner had not taken any proper steps.

6. The suit is one for a permanent prohibitory injunction. The dispute is regarding the way. It is to be noted that the petitioner/defendant had specifically pleaded in the written statement that the petitioner had filed a police complaint before the police authorities, when the respondent tried to obstruct the way. It is true that the

petition is a highly belated one. However, no prejudice would be caused to the respondent in allowing the petitions, as the respondent can cross-examine the petitioner. Further, it is also pleaded by the defendant in his written statement. Therefore, in the interest of justice, I am of the opinion that the petitions can be allowed. However, it is made clear that the document is received subject to proof and admissibility. Hence, the point is found, accordingly, in favour of the petitioner.

In the result, the petitions are allowed.

(Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court, on this the 03rd day of July, 2025.)

Sd/-
Dr. Aswathy Asok
Munsiff, Chavakkad.

APPENDIX:- NIL

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cg

///True Copy///

Id/-
Munsiff, Chavakkad

Munsiff, Chavakkadd

Common Order in I.A 5/2025
I.A 6/2025 AND
IA 7/2025 in O.S 1080/2011
Dated 03/07/2025

Common Order in I.A 5/2025
I.A 6/2025 AND
IA 7/2025 in O.S 1080/2011
Dated 03/07/2025