

IN THE COURT OF THE SUB JUDGE, NEDUMANGAD

Present: Smt. Rajasree. C.R, Civil Judge (Senior Division)

On Friday 13th March 2026
22nd Phalguna 1947

IA 04/2026 in OS 02/2026

Petitioners/Defendants:-

1. Anujith, S/o. Devadasan, Aged 46 years,
residing at Sanal Nivas, Paluvally, Anand Muri,
Kallara Village.
2. Soumya Devarajan, W/o. Anujith,
residing at Sanal Nivas, Paluvally,
Anand Muri, Kallara Village.

Rep by Adv. P. Sreekumar.

Respondents/Plaintiffs:-

Byju.D.S, S/o. Damodaran,
Thadatharikathu Veedu, Azhakam, Puthukulangara.

Rep by Adv. S.Y. Mohankumar Kiran.

This Petition having been finally heard on 13/03/2026 and court on the same day passed the following.

ORDER

This application is filed by the defendant to issue summons to the first and the second witness to produce the documents.

2. **Petition averments, in brief, are stated as follows:** The petitioner is the first defendant in the suit. The second defendant is the wife of the deponent herein. The application is filed by the petitioner for an on behalf of the second defendant also. The suit is for specific performance of contract and in the alternative for the refund of advance amount. The plaintiff alleges that the deponent herein and his wife had entered into an agreement for sale dated 23.11.2023 with him for the sale of the plaint schedule property. The alleged agreement is a forged one and the signature of the defendants have also been forged by preparing the agreement in a prior dated stamp paper. An application is filed by the petitioners to send the signatures in the disputed agreement dated 23.11.2023 for expert analysis. To compare the signature in the agreement dated 23.11.2023, the admitted signatures are to be produced. The second defendant and her son had jointly opened an account in Kerala Gramin Bank, Kallara branch on 29.07.2023. The application for opening the account was presented by the second defendant. To compare the disputed signature of the second defendant, the application presented for opening the account at Kerala Gramin Bank, Kallara branch on 29.07.2023 has to be summoned. The first petitioner is working as a teacher in SNHSS Uzhamalakkal. He had signed the acquittance register maintained by the Headmaster of SNHSS Uzhamalakkal showing the receipt of salary. To compare the disputed signature of the first defendant, the acquittance register from 01.06.2021 till 02.06.2022 is highly necessary. Thus, the petition is filed to summon the witnesses for the production of documents.

3. The respondent/plaintiff filed written objection contending as follows:-

The petition is not maintainable either in law or on facts. The acquittance register from 01.06.2021 till 02.06.2022 alone was summoned in this case. It is highly necessary to summon the acquittance register of the year 2023 as the disputed signature was put on 29.07.2023. It is highly necessary to verify the signature in the AD card of the second defendant. The contemporaneous signature of the parties should be summoned for the purpose of comparison. The only intention of the petitioner is to cheat the respondent and to prolong the case. Thus, this application is to be dismissed with costs.

4. Points that arose for consideration are:

1) Can this Court allow this application?

2)What is the order as to costs?

5. Heard both sides

6. **Point no.1**The specific case put forth by the petitioners is that they have not signed the agreement for sale and it is forged and fabricated document. They have preferred an application for sending the signatures in the agreement for sale dated 23.11.2023 for expert analysis. For that purpose, the signature of the second defendant that she had put in the application submitted for opening the account in Kerala Gramin bank, Kallara Branch is to be summoned. The first petitioner who is

the teacher at SNHSS Uzhamalakkal had signed the acquittance register and the signature of the acquittance register should also be summoned for the purpose of comparison. The document which is to be summoned is the acquittance register that contains the signature of the first petitioner for the period of 01.06.2021 till 02.06.2022.

7. On the contrary, the respondent/plaintiff opposed the application stating that the acquittance register till 2022 is not enough for the purpose of comparison and the acquittance register of the year 2023 has to be summoned.

8. I have gone through the reasons stated in the application and the objection raised. It is specifically contended that the petitioners have not signed the agreement for sale and they are denying the signature in the document. The petitioners want to compare the disputed signature in the agreement for sale with their admitted signatures. The respondent has not raised and dispute regarding the signature of the second petitioner in the account opening form submitted by her to the Kerala Gramin Bank, Kallara branch. It is a contemporaneous document that contains the signature of the second petitioner/second defendant. The agreement for sale which is a subject matter of the suit is of the year 2023. The document which is sought to be produced that contains the signature of the second petitioner is the account opening form that was signed by the second petitioner for opening an account of Kerala Gramin Bank and it was executed by the second defendant in the year 2023. That is just few

months prior to the execution of the alleged agreement dated 23.11.2023. The account opening form was signed by the second petitioner on 29.07.2023. So, it is actually a contemporaneous admitted document that contains the signature of the second defendant.

9. The other document which is sought to be summoned is the acquittance register of the year 2021-2022 that contains the signature of the first defendant/first petitioner. The first petitioner is to be noted that the signature of the first petitioner in the agreement dated 23.11.2023 is disputed. So, it is highly necessary that the acquittance register of the year 2023 has to be produced being contemporaneous document. The petitioners have not advanced any objection regarding the fact that the acquittance register of 2023 has to be summoned. Having considered the reason stated in the petition and the objection raised, I am of the view that along with the acquittance register from 01.06.2021 till 02.06.2022 the acquittance register of 01.06.2023 till 02.06.2024 has to be summoned for the purpose of this application being the contemporaneous document that contains the signature of the first petitioner. In the light of these discussions, I am inclined to allow this petition directing the witnesses to produce the documents. Thus, this point is found in favour of the petitioners.

10. Point number 2: There is no order as to costs.

In the result, this application is allowed as follows:

- a) Witness no.1 is summoned to produce the acquittance register bearing the signature of the first petitioner from 01.06.2021 till 02.06.2022 and from 01.06.2023 till 02.06.2024.
- b)The second witness is summoned to produce the application signed by the second petitioner/second defendant as account opening form for the account opening, the account no.40353101119703 in the name of the second petitioner Soumya Devarajan.
- c)The witnesses are directed to produce the same without delay on or before 06.04.2026. Petitioner shall take steps for the issuance of summons to the witnesses.

(Dictated to the CA, typed by her corrected by me and pronounced in Open Court on this, the 13th day of March, 2026).

Rajasree.C.R
Civil Judge (Senior Division)

Appendix:- Nil

Civil Judge (Senior Division)

*Typed by:RPN
Compd by:BR*