

**IN THE COURT OF THE MUNSIF, ATTINGAL
PRESENT: SMT. SWATHI.R.KRISHNAN, MUNSIF
WEDNESDAY 20th MAY, 2026/30th VAISAKHA 1948**

IA No.01/2020 in OS No.567/2014

Petitioner/ Plaintiff:

Ramesan, Melukavu Vila Veedu, Murukkumpuzha Desom, Veiloor Village.
By Advocate: Sri.R Suseelan Raghava

Respondents /Defendants:

1. Yujin W Fernandez, Swagath Bhavan, Edavilakam, Murukkumpuzha
2. Fusa Charles, Charment House, Murukkumpuzha, Mangalapuram
3. Edwin Vincent, Helen Cottage, Kunnanthura, Karikkakam
4. Charmine Charles, Charment, Murukkumpuzha, Mangalapuram

By Advocate: Sri.M Muhazin

This petition having been finally heard on 16.03.2026 and the court on 20.05.2026 passed the following:

ORDER

This petition is filed by the plaintiff to direct the claim petitioners to produce the records.

2. **The petition averments in brief are as follows:** The petitioner is the plaintiff in the suit. The suit is for the realization of money. I.A.2414/2014, filed by the plaintiff for attachment was allowed by this court, whereas claim petitioners herein filed I.A.1606/2014 contending that attached property does not belong to the defendants. The plaintiff objected the identity of the claim petition schedule property and the attached property and the objection raised by the plaintiff is that the claim petitioners have no right, title or possession over the attached property. Hence the correlation register, BTR, thandapper account and the prior title deeds bearing Nos.105/1982 and 106/1982 have to be produced by the claim petitioners. Hence, this petition.

3. **The claim petitioners filed an objection contending as follows:** The petition is not maintainable either under law or on facts. The claim petitioners are not the custodians of the documents mentioned in the petition. There is no impediment for the plaintiff to file an application before the revenue authorities and obtain the records and the claim petitioners are under no obligation to produce the documents. Hence the petition may be dismissed with costs.

4. The following points arose for consideration are:

1. Can the petition be allowed ?

2. Order and costs ?

5. Heard both sides. Perused records.

6. **Point No.(1):** This petition is filed by the plaintiff to direct the claim petitioners to produce the documents for the purpose of identification of attached property and the property scheduled in the claim petition. The plaintiff raised a contention that the properties are different and that the claim petitioners do not have title or possession over the attached property. Hence for the purpose of identification of these properties, the revenue records are highly necessary and the claim petitioners have to be directed to produce them.

7. The claim petitioners objected to the petition contending that they are under no obligation to produce these documents since they are not in their custody. The plaintiff is at liberty to obtain the same by filing an application before the revenue authorities. Hence there are no reasons to direct the claim petitioners to produce the documents. In the instant case, the documents sought to be produced are revenue records and the plaintiff does not have a case that these documents are in the custody of the plaintiff.

8. Order XI Rule 14 of CPC provides that the court can at any time during the pendency of the said order the production of a document by any party which is in his possession or power. In the instant case, the documents thought to be produced are revenue records which are not in the possession of the claim petitioner. It is the discretion of the party to produce the document or not to produce the same to prove his version. Allowing this petition and directing the claim petitioners to produce the documents will amount to interfering in the prerogative of the petitioner to adduce evidence that he/she wishes to provide.

9. The court is expected to evaluate evidence on the basis of the records produced by both parties. Directing the claim petitioners to produce the revenue records that are not in their custody amounts to interference of a party's individual choice. In the instant case, the plaintiff has no case that the documents are in the custody of the claim petitioners. Hence this court is of the view that there is no reason for this court to interfere. If the plaintiff desires to produce the document, it is their duty to produce the same either by filing applications before authorities or by summoning the custodians of the same. This court is hence of the view that there are no sufficient grounds to allow this petition.

10. **Point No.(2)**: In view of the discussion above, this petition is dismissed with costs.

Dictated to Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in Open Court in this the 20th day of May, 2026.

Sd/-
SWATHI.R.KRISHNAN
MUNSIFF

Appendix:- Nil

Id/-
MUNSIFF

Typed by: Shilpa
Compared by: Sheena.K