IN THE FAMILY COURT, KALPETTA
Present: Sri. Sunilkumar K.R., Judge, Family Court, Kalpetta

Thursday, the 30th day of April, 2026
10th day of Vaisakha, 1948

INTERLOCUTORY APPLICATION 08/2025
ORIGINAL PETITION No.669/2023

Arun C.Kuriakose, aged 34 years, S/o.Kuriakose, Chazhipparayil House, Nenmenikunnu P.O, Noolpuzha Village, Sulthanbathery Taluk. Pin - 673 595	Petitioner
Sandra, aged 26 years, W/o.Arun C.Kuriakose, Madathiparambil House, Vythiri P.O, Vythiri Taluk. Pin - 673 576	Respondent

This Interlocutory Application filed Under Order XI Rule 14 r/w Sec.151 of CPC, coming on for hearing before me in the presence of Sri.O.K.Anil and Smt.C.K.Mercy, Counsels for the petitioner and upon perusing the petition, the Court passed the following:

ORDER

The petitioner is the petitioner in OP 669/2023 case.

2. The averments contained in the petition are as follows: The present case has been filed, inter alia, for recovery of the value of the property purchased entirely with the petitioners' funds in the name of the respondent and for a declaration that the Hyundai I20 car bearing Registration No. KL-12-P-5065, which was purchased wholly by the petitioner's money, though registered in the name of the respondent, belongs to the petitioner. The order dated 09/02/2024 in I.A. No. 02/2023 filed by the petitioner on 08/12/2023, and the Court has already found that the vehicle bearing Registration No. KL-

12-P-5065 is in the petitioner's possession, that he had paid the entire consideration for the said vehicle, and that the petitioner is entitled to use the same. This Court had also restrained the respondent from alienating or selling the said vehicle or the disputed property. The said order is still in force. Accordingly, he has been using the said vehicle.

3. The aforesaid vehicle met with a serious accident near ARCORE Hotel, at K.R.S. Road Circle, on the Ring Road, Mysuru. As a result of the accident, the vehicle was completely damaged, and the damaged vehicle was subsequently taken to KPR Hyundai, Mysuru, an authorized service center of Hyundai vehicles, for inspection and repair. However, after inspection and assessment, it was reported that the vehicle was beyond repair and had suffered a total loss. The surveyor's report to the said effect was forwarded to me through e-mail. A copy of the said e-mail/report is produced herewith. Consequently, the vehicle is no longer capable of being repaired and used. Since the petitioner was undergoing treatment following the accident, there was a delay in filing the present petition.

4. Although the entire consideration for the purchase of the aforesaid vehicle was paid by the petitioner, the vehicle stands registered in the name of his wife, Sandra, who is the respondent herein, and all records including the Registration Certificate and insurance documents are also in her name. Since the vehicle has become a total loss and is incapable of being repaired and used, the petitioner has been informed that the insurance claim amount can be released only in the name of the registered owner as shown in the Registration Certificate. He had also been informed that the original Registration Certificate, insurance documents and other related records are required to be submitted to the insurance company for settlement of the claim. However, the original Registration Certificate,

insurance documents and other related records are presently in the possession of the respondent. Since the said vehicle forms part of the subject matter of dispute in the above case, if the insurance amount is released directly to the respondent before the final disposal of the case, there is every likelihood that the respondent may misappropriate or dissipate the said amount, making it difficult or impossible for me to recover the same later. As the vehicle has been declared a total loss, release of the insurance claim amount to the respondent before the disposal of the suit would cause irreparable hardship, loss and injury to the petitioner.

5. Hence, it is prayed to direct the Insurance Company to deposit the insurance claim amount payable in respect of Vehicle bearing Registration No. KL-12-P-5065 in a fixed deposit account in a nationalised bank and produce the receipt of such deposit before this Court; and also direct the respondent to produce before this Court the original Registration Certificate, insurance documents and the spare key of the said vehicle, which are presently in her custody; and direct that, upon production before this Court, the original Registration Certificate, insurance documents and spare key of the vehicle be handed over to the Insurance Company for processing and settlement of the insurance claim.

6. The respondent appeared before the court and filed a counter:- Except for those averments specifically admitted herein, all other allegations and statements contained in the petition are denied as false and incorrect. The vehicle in question was purchased on 09.08.2023, barely fourteen days prior to the petitioner leaving the respondent on 23.08.2023. At the time of purchase, the relationship between the parties was already strained and in a highly deteriorated condition. Therefore, the allegation that the petitioner spent his own money to purchase the vehicle in the

respondent's name is a fabricated and baseless story. At the time of taking delivery of the vehicle from the showroom, the respondent's entire family was present. The petitioner alone attended from his side, and none of his family members participated in the purchase process. This itself clearly demonstrates that the vehicle was purchased for the respondent and that the respondent is the rightful owner thereof. The respondent's father assisted the respondent financially in purchasing the said vehicle for her personal and professional travel requirements. Hence, the ownership and all rights in respect of the vehicle belong exclusively to the respondent. Furthermore, from 09.08.2023 onwards, the petitioner unlawfully retained possession of and used the said vehicle, thereby depriving the respondent of its use and benefits. As a result of the petitioner's wrongful retention and use of the vehicle, the respondent has suffered loss and inconvenience, quantified at approximately ₹4,00,000/- up to the present date. Hence, it is prayed to dismiss the petition

7. Heard both sides.

8. The point that arises for consideration is:

1. Whether the respondent is liable to produce the original Registration Certificate, insurance documents and spare key of the vehicle bearing Registration No. KL-12-P-5065?

2. Whether the insurance company is liable to be directed to deposit the insurance amount in a nationalised bank and produce the receipt thereof before this Court?

9. **<u>The Point Nos</u> 1 & 2:-** The earlier order of this Court dated 09.02.2024 in I.A. No. 02/2023 shows that a prima facie finding has already been

entered that the petitioner had paid the consideration for the vehicle and is in possession of the same, and the respondent has been restrained from alienating it. It is not in dispute that the vehicle has now met with an accident and has been declared a total loss. It is also not in dispute that the vehicle stands registered in the name of the respondent and that the insurance claim can be processed only on the basis of the Registration Certificate and related documents.

10. In such circumstances, if the insurance claim amount is released directly to the respondent, there is a reasonable apprehension that the amount may not be available for appropriate adjudication at the final stage of the proceedings. At the same time, the claim requires submission of original documents presently in the custody of the respondent. Therefore, it is necessary to safeguard the subject matter of the dispute by issuing appropriate directions.

In the result, this petition is allowed as follows:

1. The Insurance Company concerned shall, upon processing the claim relating to Vehicle No. KL-12-P-5065, deposit the insurance claim amount in a fixed deposit in a nationalised bank, subject to further orders of this Court, and produce the receipt before this Court.
2. The respondent is directed to produce before this Court the original Registration Certificate, insurance documents and spare key of the said vehicle within a period of 7 days from the date of this order.
3. Upon such production, this Court shall hand over the said documents to the Insurance Company through the petitioner for the limited purpose of processing and settling the insurance claim.

4. The amount so deposited shall not be withdrawn by either party without further orders of this Court.

Hence this petition is allowed.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in the open court this the 24th day of April , 2026)

JUDGE

<u>APPENDIX</u> :- Nil

JUDGE

Typed by: Abhilash Devassy
Compared by: Sheeba.P.

FAIR ORDER IN IA 08/2025
OP 669/2023
DATED : 24/04/2026.