

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

OP(C).No. 1040 of 2015 (O)

OS.NO.350/2011 OF MUNSIFF COURT, PUNALUR

PETITIONER(S):

1. THE PATTAZHY DEVI KSHETHRA SAMRAKSHNA SAMITHY,
REG. NO. Q 12/71, PATTAZHY (PO), PATTAZHY VILLAGE,
PATHANAPURAM TALUK, KOLLAM DISTRICT,
REPRESENTED THROUGH ITS GENERAL SECRETARY,
K.R. RAMACHANDRAN PILLAI, AGED 57 YEARS,
S/O. RAGHVAN PILLAI, RESIDING AT KAVITHA,
PATTAZHY P.O., PATTAZHY VILLAGE, PATHANAPURAM TALUK,
KOLLAM DISTRICT.
2. A.R. ARUN, AGED 36 YEARS,
S/O. RAVEENDRAN PILLAI, PRESIDENT,
PATTAZHY DEVI KSHETHRA SAMRAKSHAN SAMITHY,
REG. NO. Q 12/71, PATTAZHY (PO), PATTAZHY VILLAGE,
PATHANAPURAM TALUK, KOLLAM DISTRICT,
RESIDING AT ASHA BHAVAN, ERATHU VADAKKU,
PATTAZHY VILLAGE, PATHANAPURAM TALUK, KOLLAM DISTRICT.

BY ADVS.SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.
SRI.GOVIND PADMANAABHAN
SRI.AJIT G.ANJARLEKAR

RESPONDENT(S):

1. P.K.GOPALAKRISHNA PILLAI,
P.K. GOPALAKRISHNA PILLAI, S/O. RAMAN PILLAI,
PUTHUSSEERY VEEDU, NADUTHERI, PATTAZHY P.O.,
PATTAZHY VILLAGE,
PATHANAPURAM TALUK, KOLLAM DISTRICT-691 522.
2. C. GOPALAKRISHNAN NAIR,
S/O. CHANDRASEKHARAN NAIR, KULANJIKOMPIL VEEDU,
ERATHU VADAKKU, PATTAZHY VILLAGE, PATHANAPURAM TALUK,
KOLLAM DISTRICT-691 522.

BY ADVS. SRI.K.SHAJ
SRI.SAJJU.S

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 03-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP(C).No. 1040 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1. A TRUE COPY OF THE PLAINT IN OS NO. 350 OF 2011 ON THE FILES OF THE
MUNSIFFS COURT, PUNALUR.

EXT.P2. A TRUE COPY OF THE WRITTEN STATEMENT ALONG WITH THE COUNTER
CLAIM FILED BY THE RESPONDENTS IN OS. NO. 350 OF 2011 BEFORE THE
MUNSIFF'S COURT, PUNALUR.

EXT.P3. A TRUE COPY OF THE WRITTEN STATEMENT SUBMITTED BY THE
PETITIONERS TO THE COUNTER CLAIM IN OS. NO. 350 OF 2011 BEFORE THE
MUNSIFF'S COURT, PUNALUR.

EXT.P4. A TRUE COPY OF THE PETITION I.A. NO. 1907 OF 2011 IN O.S. NO. 350 OF 2011
FILED BY THE PETITIONERS BEFORE THE MUNSIFF'S COURT, PUNALUR.

EXT.P5. A TRUE COPY OF THE OBJECTION FILED BY THE RESPONDENTS IN I.A.
NO. 1907 OF 2011 IN OS. NO. 350 OF 2011 BEFORE THE MUNSIFF'S COURT,
PUNALUR.

EXT.P6. A TRUE COPY OF THE ORDER DATED 7-3-2015 OF THE MUNSIFF'S COURT,
PUNALUR IN I.A. NO. 1907 OF 2011 IN O.S. NO. 350 OF 2011.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

O.P.(C)No.1040 of 2015

Dated this the 3rd day of September, 2015.

J U D G M E N T

The petitioner is the plaintiff in O.S.No.350/11 of the court below.

2. The petitioner filed I.A.No.1907/11 in the above suit seeking a direction to the respondent to produce the documents mentioned in the schedule along with the I.A.

3. The court below had dismissed the application as though the petitioner sought the relief to hand over the documents to him. In fact, the petitioner sought for a production of those documents for the purpose of adjudication of the issue.

4. In the light of the facts and circumstances of the case, this Court is of the view that, the court below has to re-consider the matter and find out whether those documents are necessary for the adjudication of the issue involved in the suit. If the same are required, the

respondents shall be directed to produce the same, if those documents are required for the day to day affairs of the Samithi, it is open for the court below to keep the certified copies of those documents at the expense of the plaintiff and to release the originals to the Samithi.

Original petition is disposed of accordingly.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge