

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

OP(C).No. 2305 of 2015 (O)

**ORDERS IN IA.NO.2038/2015 & IA.NO.2037/2015 IN OS.NO. 239/2012 OF PRINCIPAL
MUNSIFF COURT, KOCHI**

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PETITIONER(S):

1. **P.N.RADHAKRISHNAN,
S/O.NARAYANAN, PATTUVEETIL, PANCHAYATH RAJ ROAD,
PALLURUTHY, COCHIN - 682 006.**
2. **I. C. GANESH,
S/O.CHELLAPPAN, PUNNAKAPALLI, SDPY ROAD,
PALLURUTHY, COCHIN - 682 006.**

**BY ADVS.SRI.DINESH R.SHENOY
SMT.K.K.JYOTHILAKSHMY
SRI.SANIL JOSE**

RESPONDENT(S):

1. **SREE DHARMA PARIPALANA YOGAM,
PALURUTHY, KOCHI 6, REPRESENTED BY ITS PRESIDENT,
SREE DHRMA PARIPALANA YOGAM, SREE NARAYANA NAGAR,
PALLURUTHY, KOCHI 682 006.**
2. **C.P. ANILKUMAR,
PRESENT PRESIDENT SREE DHARMA PARIPALANA YOGAM
S. N. NAGAR, PALLURUTHY, KOCHI 682006**
3. **P.S. SATISAN,
S/O.SHANMUGHAN, POLLAYIL, PERUMPADAPPU,
KOCHI 6, PRESENT DEVASWOM MANAGER, SDPY,
S. N. JUNCTION, PALLURUTHY, KOCHI - 682 006.**
4. **V. K. PRADEEP,
S/O.KUTTIKRISHNAN VAIDHYAR, VELLEZHATHU,
NEAR PASHNITHODU BRIDGE, EDAKOCHI, PIN - 682 006.**
5. **V. K. PRATHAPAN,
S/O.V. S. KRISHNAN, VELIMPARAMBU, PARRY JUNCTION,
PALLURUTHY, COCHIN - 682 006.**

**R1 BY ADVS. SRI.T.MADHU
SRI.K.V.BINOD**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 28-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

P1:-TRUE PHOTOCOPY OF THE JUDGMENT DTD 26/9/2012 IN OPC NO 3106/2012 HIGH COURT OF KERALA.

P2:-TRUE PHOTOCOPY OF THE JUDGMENT DTD 27/9/2013 IN OP 2573/2013, HIGH COURT OF KERALA.

P3:-TRUE PHOTOCOPY OF THE JUDGMENT DTD 11/8/2014 IN OPC 4320/2011, HIGH COURT OF KERALA.

P4:-TRUE PHOTOCOPY OF THE JUDGMENT DTD 3/12/2013 IN OPC 4160/2013, HIGH COURT OF KERALA.

P5:-TRUE PHOTOCOPY OF THE JUDGMENT IN OPC NO 707/2015 HIGH COURT OF KERALA.

P6:-TRUE PHOTOCOPY OF THE JUDGMENT IN OPC NO 1480/2015 HIGH COURT OF KERALA.

P7:-TRUE PHOTOCOPY OF IA NO 2037/2015 IN OS NO 239/2012 , MUNSIFF COURT KOCHI.

P8:-TRUE PHOTOCOPY OF THE IA NO 2038/2015 IN OS NO 239/2012, MUNSIFF COURT, KOCHI.

P9:-TRUE PHOTOCOPY OF ORDER DTD 4/9/2015 IN IANO 2037/2015 IN OS NO. 239/2012, MUNSIFF COURT, KOCHI.

P10:-TRUE PHOTOCOPY OF ORDER DTD 4/9/2015 IN IA NO 2038/2015 IN OS NO. 239/2012, MUNSIFF COURT, KOCHI.

P11:-TRUE PHOTOCOPY OF THE JUDGMENT DTD 20/2/2015 IN OPC NO 297/2015 , HIGH COURT OF KERALA.

P12:-TRUE PHOTOCOPY OF THE JUDGMENT IN OPC NO 1847/2015, HIGH COURT OF KERALA.

P13:-TRUE PHOTOCOPY OF THE JUDGMENT DTD 17/8/2015 IN OPC NO 1483/2015 HIGH COURT OF KERALA.

P14:-TRUE PHOTOCOPY OF IA NO 2036/2015 IN OS NO 239/2012, HIGH COURT OF KERALA.

P15:-TRUE PHOTOCOPY OF ELECTION NOTIFICATION DTD 18/8/2015 PRODUCED BY RESPONDENTS BEFORE THE COURT BELOW.

Msv/

OP(C).No. 2305 of 2015 (O)

P16:-TRUE PHOTOCOPY OF ORDER DTD 4/9/2015 IN IA 2036/215 IN OS NO 239/2012,
MUNSIFF COURT, KOCHI.

P17:-TRUE PHOTOCOPY OF IA NO 2241/2015 IN OS NO 239/2012, MUNSIFF COURT,
KOCHI.

P18:-TRUE TYPED COPY OF ORDER DTD 22/9/2015 IN IA NO 2241/2015 IN OS
NO. 239/2012, MUNSIFF COURT, KOCHI.

P19:-TRUE PHOTOCOPY OF THE NOTICE OF THE AGM OF THE 101ST AGM OF THE
FIRST RESPONDENT YOGAM.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.s.TO JUDGE

Msv/

K. ABRAHAM MATHEW, J.

O.P.(C)No.2305 of 2015

Dated this the 28th day of October, 2015

J U D G M E N T

Petitioners are the plaintiffs in OS.239 of 2012 on the file of Munsiff Court, Kochi. They filed Ext.P7 application for a direction to the respondents to produce certain documents which has been allowed only in part by Ext.P9 order. It has been dismissed in respect of documents 1 and 2. This is challenged.

2. Heard.

3. Document No.1 are counter foil of ballot papers issued in connection with the election held to the office bearers of the first respondent Yogam. In the nature of the case this is relevant and no prejudice will be caused to the respondents by its production. So I am inclined to allow the prayer.

4. The second documents are notice books. It is submitted by the learned counsel for the Yogam that they are not available and they have filed an affidavit to that effect. If affidavit has not been filed, they shall file it before the suit comes up for consideration on the next posting

date. Books of application for membership have already been produced before the trial court. The learned Munsiff may direct to give them page numbers by an officer of the court for easy reference.

In the result, this O.P is allowed in part as mentioned above.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge