

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 2978-2979 OF 2004

P.K. MAMUKKOYA

Appellant (s)

VERSUS

M. BALAN & ORS.

Respondent(s)

(With office report)

Date: 16/03/2011 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Appellant(s)

Mr. Mathai M. Paikeday, Sr. Adv.
Mr. Amit Singh, Adv.
Mr. P.I. Jose, Adv.

For Respondent(s)

Mr. G. Prakash, Adv.
Mr. A. Raghunath ,Adv

UPON hearing counsel the Court made the following
O R D E R

The appellant herein lodged a complaint addressed to Hon'ble the Chief Justice of the High Court of Kerala alleging manipulation of certain records. The appellant, accordingly, prayed Hon'ble the Chief Justice of the High Court of Kerala to conduct an enquiry into the matter and take appropriate action against the persons responsible for the manipulation of the records and to stop further proceedings in the matter. The allegations of manipulation and fabrication of the records relate to the proceedings in E.A. 514 of 1992 and E.A. 515 of 1992 on the file of Munsiff Court Kozhikode-1(P).

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The learned Chief Justice of the High Court of Kerala having taken note of the contents of the complaint so filed by the appellant directed the Registrar (Vigilance) to make an enquiry about the allegations regarding tampering with and manipulation of records. The Registrar (Vigilance) was, accordingly, directed to submit report within two months from the date of the order. This order dated 21.01.2000 in its turn refers to the preliminary enquiry made by the District and Sessions Judge (Kozhikode) wherein the District and Sessions Judge (Kozhikode) appears to have taken the view that there was a scope for entertaining a doubt that the records have been tampered with and manipulated.

The question whether the decree holder can proceed with the execution as against the appellant to a large extent depends upon the issue as to whether there has been any manipulation and tampering of the records concerning the very case.

It is brought to our notice that the report submitted by the Registrar (Vigilance) is lying with the High Court of Kerala in sealed cover. In the circumstances, we consider it appropriate to request the High Court of Kerala to make

available the report submitted by the Registrar (Vigilance)
as well as the enquiry report submitted by the District and
Sessions Judge (Kozhikode) concerning the allegations of
manipulation and tampering with the records.

List after the receipt of the records from the High
Court.

(NIDHI CHUGH)
Sr. P.A.

(RENUKA SADANA)
Court Master