

The Kerala State Waqf Board vs M.K. Venu on 6 October, 2026

Author: [Anil K. Narendran](#)

Bench: [Anil K. Narendran](#)

CNR : KLHC010159312026

MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 1

2026:KER:76793

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN
&
THE HONOURABLE MR. JUSTICE MURALEE KRISHNA S.

TUESDAY, THE 6TH DAY OF OCTOBER 2026/14TH ASWINA, 1948

MFA (WAQF) NO.13 OF 2026

AGAINST THE ORDER DATED 20.12.2025 IN IA.NO.2 of 2025 IN

WOA NO.102 OF 2025 OF WAKF TRIBUNAL, KOZHIKODE

(ARISING OUT OF THE ORDER DATED 20.05.2019 IN EP NO.685 OF

2008 OF KERALA STATE WAKF BOARD, ERNAKULAM)

APPELLANT/1ST RESPONDENT/1ST RESPONDENT:

THE KERALA STATE WAQF BOARD
V.I.P ROAD, KALOOR, KOCHI, REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER, PIN – 682017

BY ADV SRI.JAMSHEED HAFIZ

RESPONDENTS/PETITIONERS & RESPONDENTS 2 TO 6/APPLICANTS &

RESPONDENTS 2 TO 6:

- 1 M.K. VENU, AGED 70 YEARS
S/O. KOCHAYYAPPAN, MOOLANKARA HOUSE, CONVENT
BEACH ROAD, PALLIPPURAM P.O,
ERNAKULAM DISTRICT., PIN – 683515
- 2 K.A. JOLLY
AGE NOT KNOWN TO THE APPELLANT, S/O. LATE
ANTHAPPAN, KURISINKAL HOUSE, NEAR VELANKANNI
CHURCH, PALLIPPURAM P.O,
ERNAKULAM DISTRICT, PIN – 683515
- 3 WATSON
AGE NOT KNOWN TO THE APPELLANT, S/O. VELAYUDHAN,
CNR : KLHC010159312026

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- VILLARVATTATH HOUSE, CONVENT BEACH ROAD,
PALLIPPURAM P.O,
ERNAKULAM DISTRICT., PIN – 683515
- 4 RAJU
AGE NOT KNOWN TO THE APPELLANT, S/O. TREESA
ANTONY, VALIYAVETTEL HOUSE, CONVENT BEACH ROAD,
PALLIPPURAM P.O, ERNAKULAM DISTRICT, PIN – 683515
 - 5 M.S NASEER SAIT
AGE AND FATHERS NAME NOT KNOWN TO THE APPELLANT,
XLI/1731, ARANGATH ROAD, ERNAKULAM, PIN – 682018
 - 6 NAGMA
AGE NOT KNOWN TO THE APPELLANT, W/O. ASLAM, "YES
RUBB", CHERUPARAMBA ROAD, KADAVANTHRA,
ERNAKULAM, PIN – 682020
 - 7 IRSHAD SAIT N.M
AGE AND FATHERS NAME NOT KNOWN TO THE APPELLANT,
13/638, CHULLICKAL, KOCHI, PIN – 682005
 - 8 ISMAIL JANI,
AGE NOT KNOWN TO THE APPELLANT, S/O. SUBAIDA BAI,
"YES RUBB", CHERUPARAMBA ROAD, KADAVANTHRA,

ERNAKULAM, PIN – 682020

9 SECRETARY
FAROOQ COLLEGE MANAGING COMMITTEE, FAROOQ,
KOZHIKODE, PIN – 673632

BY ADVS.
SMT.NISHA GEORGE
SHRI.ANAS V.
SHRI.KALAM PASHA B.
SMT.S.PARVATHI
SRI.GEORGE POONTHOTTAM (SR.)
SMT.T.K.SREEKALA
SMT.NIKITHA SUSAN PAULSON
SMT.UTHARA ASOKAN

CNR : KLHC010159312026

MFA(WAQF)Nos.13, 14, 15 and 17 of 2026

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2026:KER:76793

SMT.KRISHNENDU S.R.
SMT.VISHAKHA J.
SMT.HASNA ASHRAF T.A
SHRI.ANANDU U.R.

THIS MISCELLANEOUS FIRST APPEALS (WAQF) HAVING BEEN
FINALLY HEARD ON 05.08.2026, ALONG WITH MFA (WAQF).14/2026,
15/2026 AND CONNECTED CASES, THE COURT ON 06.10.2026
DELIVERED THE FOLLOWING:

CNR : KLHC010159312026

MFA(WAQF)Nos.13, 14, 15 and 17 of 2026

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2026:KER:76793

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN
&

THE HONOURABLE MR. JUSTICE MURALEE KRISHNA S.

TUESDAY, THE 6TH DAY OF OCTOBER 2026 / 14TH ASWINA, 1948

MFA (WQF) NO.14 OF 2026

AGAINST THE ORDER DATED 20.12.2025 IN IA.NO.3 OF 2025 IN

WOA NO.137 OF 2025 OF WAKF TRIBUNAL, KOZHIKODE

(ARISING OUT OF THE ORDER DATED 20.05.2019 IN EP NO.685 OF

2008 OF KERALA STATE WAKF BOARD, ERNAKULAM)

APPELLANT/1ST RESPONDENT/1ST RESPONDENT:

THE KERALA STATE WAQF BOARD
V.I.P. ROAD, KALOOR, KOCHI REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER, PIN – 682017

BY ADV SRI.JAMSHEED HAFIZ

RESPONDENTS/PETITIONER & RESPONDENTS 2 TO 6/APPLICANT &
RESPONDENTS 2 TO 6:

- 1 PRINCY JOSEPH, AGED 53 YEARS
W/O JOSEPH PALAKKAL HOUSE, BEACH ROAD,
PALLIPURAM, ERNAKULAM DISTRICT, PIN – 683575
- 2 M.S. NASEER SAIT
AGE AND FATHERS NAME NOT KNOWN TO THE APPELLANT,
PIN – 682018
*[SIC: M.S. NASEER SAIT, XLI/1731, ARANGATH ROAD,
ERNAKULAM – 682018] AS PER THE ORDER OF THE
TRIBUNAL

CNR : KLHC010159312026

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- 3 NAGMA
AGE NOT KNOWN TO THE APPELLANT, W/O ASLAM
"YES RUBB" CHERUPARAMBU ROAD, KADAVANTHRA
ERNAKULAM, PIN – 682020

- 4 IRSHAD SAIT N.M
AGE AND FATHERS NAME NOT KNOWN TO THE APPELLANT
13/638, CHULLIKCKAL, KOCHI, PIN – 682005
- 5 ISMAIL JANI
AGE NOT KNOWN TO THE APPELLANT, S/O SUBAIDA BAI,
"YES RUBB" CHERUPARAMBU ROAD, KADAVANTHRA
ERNAKULAM DISTRICT, PIN – 682020
- 6 SECRETARY
FAROOQ COLLEGE MANAGING COMMITTEE FAROOQ ,
KOZHIKODE DISTRICT, PIN – 673632

BY ADVS.
SRI.MANJU ANTONEY
SHRI.ANAS V.
SHRI.KALAM PASHA B.
SMT.S.PARVATHI
SRI.C.C.ANOOP
SHRI.K.SHAHZAD
SMT.T.K.SREEKALA
SMT.NIKITHA SUSAN PAULSON
SMT.UTHARA ASOKAN
SMT.KRISHNENDU S.R.
SMT.VISHAKHA J.
SMT.HASNA ASHRAF T.A
SHRI.ANANDU U.R.

THIS MISCELLANEOUS FIRST APPEALS (WAF) HAVING BEEN
FINALLY HEARD ON 05.08.2026, ALONG WITH MFA (WAF).13/2026
AND CONNECTED CASES, THE COURT ON 06.10.2026 DELIVERED THE
FOLLOWING:

CNR : KLHC010159312026

MFA(WAF)Nos.13, 14, 15 and 17 of 2026

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2026:KER:76793

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

&

THE HONOURABLE MR. JUSTICE MURALEE KRISHNA S.

TUESDAY, THE 6TH DAY OF OCTOBER 2026 / 14TH ASWINA, 1948

MFA (WAQF) NO.15 OF 2026

AGAINST THE ORDER DATED 20.12.2025 IN IA.NO.3 OF 2025 IN

WOA NO.123 OF 2025 OF WAKF TRIBUNAL, KOZHIKODE

(ARISING OUT OF THE ORDER DATED 20.05.2019 IN EP NO.685 OF

2008 OF KERALA STATE WAKF BOARD, ERNAKULAM)

APPELLANT/1ST RESPONDENT/1ST RESPONDENT:

THE KERALA STATE WAQF BOARD
V.I.P. ROAD KALOOR KOCHI REPRESENTED BY ITS CHIEF
EXECUTIVE OFFICER, PIN – 682017

BY ADV SRI.JAMSHEED HAFIZ

RESPONDENTS/PETITIONER & RESPONDENTS 2 TO 6/APPLICANT &
RESPONDENTS 2 TO 6:

- 1 ANTONEY V.L., AGED 49 YEARS
 S/O LOUIS V.A. VADAKKE VEETIL HOUSE, KADAPPURAM ,
 PALLIPPURAM, ERNAKULAM DISTRICT, PIN – 683575
- 2 M.S. NASEER SAIT
 AGE AND FATHERS NAME NOT KNOWN TO THE APPELLANT
 XLI/1731, ARANGATH ROAD, ERNAKULAM DISTRICT,
 PIN – 682018

CNR : KLHC010159312026

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- 3 NAGMA
 AGE NOT KNOWN TO THE PETITIONER W/O ASLAM "YES

RUBB" CHERUPARAMBA ROAD, KADAVANTHRA,
ERNAKULAM DISTRICT, PIN – 682020

- 4 IRSHAD SAIT N.M
AGE AND FATHERS NAME NOT KNOWN TO THE APPELLANT
13/638, CHULLICKAL, KOCHI, PIN – 682005
- 5 ISMAIL JANI
AGE NOT KNOWN TO THE APPELLANT S/O SUBAIDA BAI,
"YES RUBB" CHERUPARAMBA ROAD, KADAVANTHRA,
ERNAKULAM, PIN – 682020
- 6 SECRETARY
FAROOQ COLLEGE MANAGING COMMITTEE, FAROOQ,
KOZHIKODE DISTRICT, PIN – 673632

BY ADVS.
SHRI.ANAS V.
SHRI.KALAM PASHA B.
SMT.S.PARVATHI
SMT.T.K.SREEKALA
SMT.NIKITHA SUSAN PAULSON
SMT.UTHARA ASOKAN
SMT.KRISHNENDU S.R.
SMT.VISHAKHA J.
SMT.HASNA ASHRAF T.A
SHRI.ANANDU U.R.
SHRI.HAMDAN MANSOOR K.
SRI.T.U.SUJITH KUMAR
SRI.SARUN RAJAN

THIS MISCELLANEOUS FIRST APPEALS (WAF) HAVING BEEN
FINALLY HEARD ON 05.08.2026, ALONG WITH MFA (WAF).13 OF 2026
AND CONNECTED CASES, THE COURT ON 06.10.2026 DELIVERED THE
FOLLOWING:

CNR : KLHC010159312026

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR. JUSTICE MURALEE KRISHNA S.

TUESDAY, THE 6TH DAY OF OCTOBER 2026/ 14TH ASWINA, 1948

MFA (WAF) NO.17 OF 2026

AGAINST THE ORDER DATED 20.12.2025 IN IA.NO.4 OF 2025 IN

WOA NO.141 OF 2025 OF WAKF TRIBUNAL, KOZHIKODE

(ARISING OUT OF THE ORDER DATED 20.05.2019 IN EP NO.685 OF

2008 OF KERALA STATE WAKF BOARD, ERNAKULAM)

APPELLANT/1ST RESPONDENT/1ST RESPONDENT:

THE KERALA STATE WAF BOARD
V.I.P ROAD, KALOOR, KOCHI REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER, PIN – 682017

BY ADV SRI.JAMSHEED HAFIZ

RESPONDENTS/PETITIONERS & RESPONDENTS 2 TO 7/APPLICANTS &
RESPONDENTS 2 TO 7:

- 1 SEBASTIAN JOSEPH
AGED 49 YEARS
S/O JOSEPH T.P. THAYYIL HOUSE, KADAPPURAM,
PALLIPPURAM, ERNAKULAM DISTRICT 683515
- 2 SANDHYA PHILIP
AGE NOT KNOWN, W/O PHILIP JOSEPH, THAYYIL HOUSE,
NEAR VELANKANNI MATHA CHURCH, PALLIPPURAM,
ERNAKULAM DISTRICT, PIN – 683515

CNR : KLHC010159312026

- 3 FRANCIS K.S
AGE NOT KNOWN S/O K.R. STANLEY, RESIDING AT
KURUPPASSERY HOUSE, PALLIPPURAM GRAMA PANCHAYATH,
MUNAMBAN MURI, KUZHUPPILLY VILLAGE, PALLIPORT
P.O. ERNAKULAM DISTRICT, PIN – 683515
- 4 K.K. JAYAN
AGE NOT KNOWN, S/O KOTTAMALA KUMARAN, DEVASOM
PARAMBIL HOUSE, AZHEEKAL P.O. ERNAKULAM DISTRICT,
PIN – 682510
- 5 VIDYA JAYAN
AGE NOT KNOWN, W/O JAYAN DEVASOM PARAMBIL HOUSE
AZHEEKAL P.O. ERNAKULAM DISTRICT, PIN – 682510
- 6 FAROOQ COLLEGE MANAGING COMMITTEE,
(A SOCIETY REGISTERED UNDER THE SOCIETIES
REGISTRATION ACT, 1860) REPRESENTED BY ITS
SECRETARY, K.V. KUNHAMMED KOYA S/O AHAMMED HAJI
KOYAPPATHADI BUNGLOW MALAPARAMBA KOZHIKODE
DISTRICT, PIN – 673009
- 7 M.S. NASEER SAIT
AGE AND FATHERS NAME NOT KNOWN TO THE APPELLANT.
XLI/1731, ARANGATH ROAD, ERNAKULAM DISTRICT,
PIN – 682020
- 8 NAGMA
AGE NOT KNOWN TO THE APPELLANT, W/O ASLAM,
" YES RUBB" CHERUPARAMBA ROAD, KADAVANTHRA
ERNAKULAM DISTRICT, PIN – 682020
- 9 ISMAIL JANI
AGE NOT KNOWN TO THE APPELLANT S/O SUBAIDA BAI,
"YES RUBB" CHERUPARAMBA ROAD, KADAVANTHRA
ERNAKULAM DISTRICT, PIN – 682020
- 10 SHEHNAAZ BAI,
AGE NOT KNOWN TO THE APPELLANT W/O IQBAL SAIT,
CNR : KLHC010159312026

- 11 HALEEMA BAI
AGE NOT KNOWN TO THE APPELLANT W/O ABDUL AZEEZ
SAIT, "YES RUBB" CHERUPARAMBA ROAD, KADAVANTHRA
ERNAKULAM DISTRICT, PIN – 682020
- *12 ABDUL SATHAR ISMAIL SAIT, AGE NOT KNOWN TO THE
APPELLANT, 7B INFRA FORESHORE, IFP ROAD, KOCHI,
ERNAKULAM DISTRICT (HUSBAND OF THE DECEASED 10TH
RESPONDENT)
- *13 THAHZEEB ESMAIL, AGE NOT KNOWN TO THE APPELLANT
7B INFRA FORESHORE, IFP ROAD, KOCHI, ERNAKULAM
DISTRICT –682016 (DAUGHTER OF THE DECEASED 10TH
RESPONDENT)
- *14 SHAZIA IQBAL
AGE NOT KNOWN TO THE APPELLANT 7B INFRA
FORESHORE, IFP ROAD, KOCHI,
ERNAKULAM DISTRICT – 682016
(DAUGHTER OF THE DECEASED 10TH RESPONDENT)

*[ADDL. R12 TO R14 ARE IMPEADED AS PER ORDER
DATED 05.08.2026 I.A.NO.4 OF 2026 IN
M.F.A(WAQF)NO.17 OF 2026]

BY ADVS.
SMT.LAKSHMI SREEDHAR
SMT.S.PARVATHI
SHRI.ANAS V.
SHRI.KALAM PASHA B.
SMT.T.K.SREEKALA
SMT.NIKITHA SUSAN PAULSON
SMT.UTHARA ASOKAN
SMT.KRISHNENDU S.R.
SMT.VISHAKHA J.
SMT.HASNA ASHRAF T.A
SHRI.ANANDU U.R.

CNR : KLHC010159312026

FINALLY HEARD ON 05.08.2026, ALONG WITH MFA (Waqf).13 OF 2026
AND CONNECTED CASES, THE COURT ON 06.10.2026 DELIVERED THE
FOLLOWING:

CNR : KLHC010159312026

MFA(WAQF)Nos.13, 14, 15 and 17 of 2026

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"C.R"

JUDGMENT

Anil K. Narendran, J.

MFA(Waqf)Nos.13, 14, 15 and 17 of 2026 filed under sub- section (9) of [Section 83](#) of the Waqf Act, 1995, as amended by Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995, by the Waqf (Amendment) Act, 2025 (Act 14 of 2025), arise out of the orders dated 20.12.2025 of the Waqf Tribunal, Kozhikode, in the interlocutory applications filed by the applicants in W.O.A.No.102 of 2025 and connected matters, i.e., W.O.A.Nos.137 of 2025, 123 of 2025 and 141 of 2025, invoking the provisions under [Order XI Rule 1 of the Code of Civil Procedure, 1908](#) (the Code), seeking leave of the Waqf Tribunal to deliver interrogatories in writing to the 1st respondent Kerala State Waqf Board, the appellant herein. Since the same issue is involved in all the appeals, these appeals were heard together and are being disposed of by a common judgment, treating MFA(Waqf)No. 13 of 2026 as the leading case.

2. MFA(Waqf)No.13 of 2026 arises out of the order dated 20.12.2025 of the Waqf Tribunal, Kozhikode, in an interlocutory application filed by the applicants in W.O.A.No.102 of 2025. The respondents filed the original application, invoking the provisions CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 13 2026:KER:76793 of sub-section (2) of [Section 83](#) of the Act of 1995, challenging the order dated 20.05.2019 of the State Waqf Board. In the said original application, the applicants filed I.A.No.2 of 2025, invoking the provisions under Order XI Rule 1 of the Code, seeking leave to deliver interrogatories to the 1st respondent State Waqf Board, the appellant herein. By the impugned order dated 20.12.2025, the Waqf Tribunal allowed I.A.No.2 of 2025 in W.O.A.No.102 of 2025 and directed the State Waqf Board to answer the interrogatories within one month from the date of that order. The orders passed by the Waqf Tribunal in the interlocutory applications filed in W.O.A.Nos.137 of 2025, 123 of 2025 and 141 of 2025 are similarly worded. Those orders are under challenge in MFA(Waqf)Nos.14, 15 and 17 of 2026.

3. In I.A.No.2 of 2025 in W.O.A.No.102 of 2025, the case of the applicants is that the order dated 20.05.2019 of the State Waqf Board, which is under challenge in that original application, was passed without complying with the procedures under the Act of 1995, which are mandatory in nature. The State Waqf Board has not complied with the provisions of [Sections 4, 5 and 6](#) of the Act of 1995 in declaring the property as a waqf property. Under sub-section (1A) of [Section 4](#), the State Government is required CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 14 2026:KER:76793 to maintain a list of auqaf referred to in sub-section (1) and complete the survey of auqaf within one year from the date of commencement of the Waqf (Amendment) Act, 2013. [Sub-section (1A) omitted by Act 14 of 2025] As per sub-section (6) of [Section 4](#), the Government is authorised to issue a notification in the official gazette empowering the Survey Commissioner to

make a second or subsequent survey of waqf properties in the State. [Sub-section (6) omitted by Act 14 of 2025] The Government did not follow this course in the case at hand. A reading of the order dated 20.05.2019 of the State Waqf Board and the records show that the State Government did not adhere to the procedure under [Sections 4, 5 and 6](#) of the Act of 1995 at any stage before issuing directions under [Section 97](#). Under the proviso to [Section 5](#), read with [Sections 6 and 7](#), the State Government is required to publish the list of waqf properties in the official gazette. No such publication has been made in relation to the order dated 20.05.2019. In the absence of any documents evidencing compliance with the mandatory requirement and procedures, it has become necessary to seek leave of the Tribunal to submit interrogatories to be answered by the State Waqf Board, which are necessary for proper adjudication of the original application.

CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 15 2026:KER:76793 The affidavits filed in support of the interlocutory applications in W.O.A.Nos.137 of 2025, 123 of 2025 and 141 of 2025 are similarly worded.

4. In I.A.No.2 of 2025 in W.O.A.No.102 of 2025, the 1st respondent State Waqf Board filed a counter affidavit, contending that the application is not maintainable in law. The application seeking leave to deliver interrogatories is wholly misconceived and premature. The provisions under Order XI Rule 1 of the Code are specifically framed for suits, which are not applicable to an original application filed before the Waqf Tribunal under sub-section (2) of [Section 83](#) of the Act of 1995. Interrogatories under Order XI of the Code are permitted only in suits after the pleadings are complete, and the issues are framed. Therefore, I.A.No.2 of 2025 filed by the applicants in W.O.A.No.102 of 2025 is premature and liable to be dismissed. The counter affidavits filed by the State Waqf Board in the interlocutory applications in W.O.A.Nos.137 of 2025, 123 of 2025 and 141 of 2025 are similarly worded.

5. After considering the rival contentions, the Waqf Tribunal, by separate orders dated 20.12.2025, allowed I.A.No.2 of 2025 filed in W.O.A.No.102 of 2025 as well as the interlocutory applications filed in W.O.A.Nos.137 of 2025, 123 of 2025 and 141 CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 16 2026:KER:76793 of 2025. The orders passed by the Waqf Tribunal in the interlocutory applications filed in W.O.A.Nos.137 of 2025, 123 of 2025 and 141 of 2025, which are impugned in MFA(Waqf)Nos.14, 15 and 17 of 2026, are similarly worded.

6. A reading of the impugned orders would show that, before the Waqf Tribunal, the learned counsel for the applicants argued that the interrogatories sought to be answered by the 1st respondent Waqf Board are relevant and necessary for a fair adjudication of the disputes between the parties. The Waqf Tribunal has jurisdiction to direct the 1st respondent Waqf Board to answer the interrogatories at any time. The learned counsel relied on the decision of the Apex Court in [Union of India v. Ibrahim Uddin](#) [(2012) 8 SCC 148] and the decision of a learned Single Judge of this Court in *Ammu Ammal v. Venkitadri Iyer* [1980 KLT 929]. The interrogatories are neither vexatious nor irrelevant and are not privileged documents. Per contra, the learned counsel for the 1st respondent State Waqf Board argued that interrogatories under Order XI Rule 1 of the Code are permitted only in suits, and not in original applications filed before the Waqf Tribunal. Hence, the interlocutory applications are liable to be dismissed.

CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 17 2026:KER:76793

7. In the impugned orders, on the question of maintainability of the interlocutory applications, the Waqf Tribunal noted that, in the decision of the Apex Court in *Ram Sewak v. H.K. Kidbai* [AIR 1964 SC 1249], it was held that the Election Tribunal has the power to direct discovery and inspection of

documents, which the civil court is invested with under the Code when trying a suit. In Ammu Ammal [1980 KLT 929], a learned Single Judge of this Court held that the jurisdiction to direct the opposite party to answer interrogatories vests in a court under [Section 30](#) of the Code, be it trying a suit or executing a decree. Under sub-section (5) of [Section 83](#) of the 1995 Act, the Waqf Tribunal shall be deemed to be a civil court and shall have the same powers as may be exercised by a civil court under the Code, while trying a suit or executing a decree or order. Considering the said decisions, the provisions of the Act of 1995, and the nature of the interlocutory applications, the Waqf Tribunal found that the applications are maintainable and that the Tribunal has jurisdiction to entertain them.

8. In the impugned orders, on the merits of the interlocutory applications, the Waqf Tribunal noted that the contention of the applicants is that before passing the impugned CNR :

KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 18 2026:KER:76793 order, the State Waqf Board had not complied with the mandatory provisions and the procedures in the Act of 1995 for registration of the waqf and for the adjudication of the issues in the original applications it is necessary to direct the State Waqf Board to answer the interrogatories, which are necessary for clarifying the issues and relevant for the fair adjudication of the disputes. Considering the disputes between the parties and the issues in the original applications, the Waqf Tribunal found that the interrogatories are relevant and necessary for a fair adjudication of the disputes and are not vexatious or unnecessary. The Tribunal noted that the 1st respondent State Waqf Board has no case that the information sought cannot be disclosed on the ground of any privilege or other valid reasons. Hence, the interlocutory applications are liable to be allowed. By the impugned orders, the Tribunal allowed the interlocutory applications by granting permission to the applicants to deliver interrogatories to the 1st respondent State Waqf Board and directed the Board to answer the interrogatories submitted by the applicants in the respective interlocutory applications within one month from the date of that order.

9. On 26.02.2026, when MFA(Waqf)Nos.13, 14, 15 and CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 19 2026:KER:76793 17 of 2026 came up for admission, the appeals were admitted on file, and urgent notice by speed post was ordered to the respondents, returnable within three weeks. By the orders dated 26.02.2026 in I.A.No.1 of 2026 filed in the respective appeals, this Court stayed further proceedings pursuant to the impugned orders dated 20.12.2025 of the Waqf Tribunal, for a period of one month. By the order dated 07.04.2026, the interim orders granted on 26.02.2026 were revived and extended for two months. The said orders were further extended for a period of one month by the order dated 10.07.2026.

10. We heard detailed arguments of the learned Standing Counsel for the Kerala State Waqf Board for the appellants, the learned Senior Counsel for respondents 1 to 4 in MFA(Waqf)No. 13 of 2026, the learned counsel for the 1st respondent in MFA(Waqf)Nos.14 and 15 of 2026, and the learned counsel for respondents 1 to 5 in MFA(Waqf)No.17 of 2026.

11. The learned Standing Counsel for the Kerala State Waqf Board for the appellant-1st respondent contended that the impugned orders dated 20.12.2025 of the Waqf Tribunal are illegal, arbitrary and bad in law. The Tribunal ought to have found that the consideration of the applications seeking leave of the CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 20 2026:KER:76793 Tribunal to deliver interrogatories in writing to the 1st respondent State Waqf Board was premature since the delay in filing the original applications was not condoned at the time of the filing of those interlocutory applications seeking leave of the Tribunal to deliver the interrogatories. The provisions under Order XI Rule 1 of the Code, which are specifically framed for

suits, are not applicable to an original application filed before the Waqf Tribunal. Such an application can be permitted only in suits, after the pleadings are complete and the issues are framed for trial. At any rate, no such application under Order XI Rule 1 of the Code can be entertained before the pleadings in the original applications are complete.

12. On the other hand, the learned Senior Counsel for respondents 1 to 4 in MFA(Waqf)No.13 of 2026 and the respective learned counsel for the party respondents in MFA(Waqf)Nos.14, 15 and 17 of 2026 contended that the leave granted by the Waqf Tribunal in the impugned orders dated 20.12.2025, invoking the provisions under Order XI Rule 1 of the Code is perfectly legal, which warrants no interference in these appeals. In view of the provisions under [Section 30](#) of the Code, read with the provisions under Order XI Rule 1, an application seeking leave of the Waqf CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 21 2026:KER:76793 Tribunal to deliver interrogatories in writing by the 1 st respondent State Waqf Board can be made at any stage of the proceedings in an original application, which can be entertained before the filing of written statement by the 1st respondent State Waqf Board.

13. The issue that requires consideration in these appeals is as to whether any interference is warranted in the impugned orders of the Waqf Tribunal, i.e., the order dated 20.12.2025 in I.A.No.2 of 2025 in W.O.A.No.102 of 2025 and the orders in similar interlocutory applications filed in W.O.A.Nos.137 of 2025, 123 of 2025 and 141 of 2025.

14. [Section 30](#) of the Code deals with power to order discovery and the like. As per [Section 30](#), subject to such conditions and limitations as may be prescribed, the court may, at any time, either of its own motion or on the application of any party, (a) make such orders as may be necessary or reasonable in all matters relating to the delivery and answering of interrogatories, the admission of documents and facts, and the discovery, inspection, production, impounding and return of documents or other material objects producible as evidence; (b) issue summonses to persons whose attendance is required either to give evidence or to produce documents or such other objects CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 22 2026:KER:76793 as aforesaid; (c) order any fact to be proved by affidavit.

14.1. Order XI of the Code deals with discovery and inspection. Order XI Rule 1 deals with discovery by interrogatories. As per Rule 1, in any suit the plaintiff or defendant by leave of the court may deliver interrogatories in writing for the examination of the opposite parties or any one or more of such parties and such interrogatories when delivered shall have a note at the foot thereof stating which of such interrogatories each of such persons is required to answer. As per the first proviso to Rule 1, no party shall deliver more than one set of interrogatories to the same party without an order for that purpose. As per the second proviso to Rule 1, interrogatories which do not relate to any matters in question in the suit shall be deemed irrelevant, notwithstanding that they might be admissible on the oral cross-examination of a witness.

14.2. As per Order XI Rule 2 of the Code, on an application for leave to deliver interrogatories, the particular interrogatories proposed to be delivered shall be submitted to the court and that court shall decide within seven days from the day of filing of the said application. In deciding upon such application, the court shall take into account any offer, which may be made by the party CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 23 2026:KER:76793 sought to be interrogated to deliver particulars, or to make admissions, or to produce documents relating to the matters in question, or any of them, and leave shall be given as to such only of the interrogatories submitted as the court shall consider necessary either for disposing fairly of the suit or for saving costs.

14.3. As per Order XI Rule 3 of the Code, in adjusting the costs of the suit, inquiry shall at the instance of any party be made into the propriety of exhibiting such interrogatories, and if it is the opinion of the taxing officer or of the court, either with or without an application for inquiry, that such interrogatories have been exhibited unreasonably, vexatiously, or at improper length, the costs occasioned by the said interrogatories and the answers thereto shall be paid in any event by the party in fault.

14.4. As per Order XI Rule 4 of the Code, interrogatories shall be in Form No.2 in Appendix C, with such variations as circumstances may require. Form No.2 in Appendix C is extracted hereunder;

No. 2

INTERROGATORIES [O.11, R.4] [Title as in No.1, supra] Interrogatories on behalf of the above-named [Plaintiff or CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 24 2026:KER:76793 defendant C.D.] for the examination of the above-named [defendants E.F. and G.H. or plaintiff].

1. Did not, etc.

2. Has not, etc. etc., etc., etc. [The defendant E.F. is required to answer the interrogatories numbered.....] [The defendant G. H. is required to answer the interrogatories numbered

14.5. As per Order XI Rule 5 of the Code, where any party to a suit is a corporation or a body of persons, whether incorporated or not, empowered by law to sue or be sued, whether in its own name or in the name of any officer or other person, any opposite party may apply for an order allowing him to deliver interrogatories to any member or officer of such corporation or body, and an order may be made accordingly. As per Order XI Rule 6 of the Code, any objection to answering any interrogatory on the ground that it is scandalous or irrelevant or not exhibited bona fide for the purpose of the suit, or that the matters inquired into are not sufficiently material at that stage, or on the ground of privilege or any other ground, may be taken in the affidavit in answer.

14.6. As per Order XI Rule 7 of the Code, any interrogatories CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 25 2026:KER:76793 may be set aside on the ground that they have been exhibited unreasonably or vexatiously, or struck out on the ground that they are prolix, oppressive, unnecessary or scandalous; and any application for this purpose may be made within seven days after service of the interrogatories.

14.7. As per Order XI Rule 8 of the Code, interrogatories shall be answered by affidavit to be filed within ten days, or within such other time as the Court may allow. Order XI Rule 9 of the Code deals with the form of affidavit in answer. As per Rule 9, an affidavit in answer to interrogatories shall be in Form No.3 in Appendix C, with such variations as circumstances may require. Form No.3 in Appendix C is extracted hereunder; No. 3

ANSWER TO INTERROGATORIES [O.XI, R.9] [Title as in No.1, supra] The answer of the above-named defendant E.F. to the interrogatories for his examination by the above-named plaintiff. In answer to the said interrogatories, I, the above-named E.F., make oath and say as follows:

1.

2. Enter answers to interrogatories in paragraphs numbered consecutively.

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3. I object to answer the interrogatories numbered on the ground that [state grounds of objection].

14.8. As per Order XI Rule 10 of the Code, no exceptions shall be taken to any affidavit in answer, but the sufficiency or otherwise of any such affidavit objected to as insufficient shall be determined by the Court. As per Order XI Rule 11 of the Code, where any person interrogated omits to answer, or answers insufficiently, the party interrogating may apply to the court for an order requiring him to answer, or to answer further, as the case may be. And an order may be made requiring him to answer or answer further, either by affidavit or by viva voce examination, as the court may direct.

14.9. Order XI Rule 22 of the Code deals with using answers to interrogatories at trial. Under Rule 22, any party may, at the trial of a suit, use in evidence any one or more of the answers or any part of an answer of the opposite party to interrogatories without putting in the others or the whole of such answer. As per the proviso to Rule 22, in such case the court may look at the whole of the answers, and if it shall be of opinion that any others of them are so connected with those put in that the last-mentioned answers ought not to be used without them, it may direct them to CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 27 2026:KER:76793 be put in.

15. In [Raj Narain v. Indira Nehru Gandhi](#) [(1972) 3 SCC 850], a Three-Judge Bench of the Apex Court was dealing with civil appeals arising from an election petition filed by the appellant challenging the validity of the election of the 1st respondent to the Lok Sabha, from Rae Bareilly constituency, in the General Election to the Lok Sabha held in March, 1971. After the parties completed their pleadings and the issues were framed, the appellant applied to the court under Order XI of the Code seeking leave to deliver interrogatories in writing for the examination of the 1st respondent. The 1st respondent objected on the ground that Order XI of the Code does not apply to election petitions. By order dated 14.09.1971, the learned Single Judge overruled the objection and granted leave to the appellant to deliver interrogatories for the examination of the 1st respondent. The appellant served 31 interrogatories on the 1st respondent; all related to issues 1 to 3. The 1st respondent challenged the order by way of a civil appeal before the Apex Court, after obtaining special leave. That appeal was withdrawn during the course of the hearing. During the pendency of that appeal, the 1st respondent filed an application before the Single Judge under Order XI Rule 7 CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 28 2026:KER:76793 of the Code, praying that the interrogatories served on her be set aside as unreasonable, vexatious, oppressive, unnecessary and irrelevant. The appellant objected to the same.

15.1. In [Raj Narain](#) [(1972) 3 SCC 850], before the Three- Judge Bench, it was contended by the 1st respondent that the allegations in the election petition did not afford any basis for issues 1 to 3. Consequently, the interrogatories served were irrelevant and unnecessary. The entire argument before the Single Judge proceeded on the basis that the facts stated in the election petition did not disclose the corrupt practices that were the subject matter of issues 1 to 3. The Single Judge accepted that contention and set aside some of the interrogatories served on the 1st respondent. The Single Judge further struck out issues 1 to 3. Thereafter, the appellant applied to the Single Judge to amend paras 2 and 5 of the election petition by giving better particulars. The Single Judge rejected that application on the sole ground that, by the amendment in question, the appellant was seeking to add material facts, and hence they could not be accepted after the period of limitation for filing the election petition. Civil Appeal No.108 of 1972 was directed against the order setting aside the interrogatories served and striking out issues 1 to 3, and Civil CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 29 2026:KER:76793 Appeal No.109 of 1972 arose from the order rejecting the application seeking permission to amend the election petition. The main

question for consideration in the appeals was whether the allegations in the election petition disclose the corrupt practice which is the subject-matter of issue No.1.

15.2. In *Raj Narain* [(1972) 3 SCC 850], the appellant contended that the respondent, after becoming a candidate in the election in question, obtained the services of Yashpal Kapur while he was still a Gazetted Officer in the Government of India, to further the prospects of her election. The Three-Judge Bench noted that, to establish his plea, the appellant had to establish that the respondent obtained Yashpal Kapur's assistance while he was still a Government servant and that, at the time the assistance was obtained, the respondent had become a 'candidate'. It is true that the election petition does not specify when the appellant became a 'candidate'. But paragraphs 5 and 6 of the election petition make it clear that, according to the appellant, the respondent became a 'candidate' even before she was nominated on 01.02.1971. But even so, those averments make it clear that the respondent is alleged to have obtained the assistance of Yashpal Kapur, while he continued to be a Gazetted Officer, to CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 30 2026:KER:76793 organise her electioneering work. From the provisions in clauses (a) and (b) of sub-section (1) of [Section 83](#) and sub-section (5) of [Section 86](#) of the Representation of the People Act, 1951, it follows that if the allegations made regarding a corrupt practice do not disclose the constituent parts of the corrupt practice alleged, the same will not be allowed to be proved and further those allegations cannot be amended after the period of limitation for filing an election petition; but the court may allow particulars of any corrupt practice alleged in the petition to be amended or amplified.

15.3. In *Raj Narain* [(1972) 3 SCC 850], on the facts of the case at hand, the Three-Judge Bench noted that the allegations made in paragraphs 2, 5 and 6 of the petition, if read together, do show that the allegation against the respondent is that she obtained the assistance of Yashpal Kapur, a Gazetted Officer, to support her candidature by organising her electioneering work. These allegations bring out all the ingredients of the alleged corrupt practice, though they lack better particulars, such as the date on which the respondent became a candidate and the date on which Yashpal Kapur was entrusted with the responsibility of organising the respondent's electioneering work.

CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 31 2026:KER:76793 The absence of those particulars does not per se invalidate the charge. Those particulars can be supplied with the permission of the court. In the written statement, the respondent did not say that the allegations in question did not raise a triable issue. No such objection has been taken at the time of the framing of the issues or in any of her pleadings. The objection was taken up for the first time when the petition to set aside the interrogatories was heard.

15.4. In *Raj Narain* [(1972) 3 SCC 850], the Three-Judge Bench observed that the rules of pleadings are intended as aids for a fair trial and for reaching a just decision. An action at law should not be equated to a game of chess. Provisions of law are not mere formulae to be observed as rituals. Beneath the words of a provision of law, generally speaking, there lies a juristic principle. It is the duty of the court to ascertain that principle and implement it. The Three-Judge Bench opined that the aim of sub- section (5) of [Section 86](#) of the Representation of the People Act is to ensure that a person accused of a corrupt practice knows precisely what he is accused of so that he may have the opportunity to meet the allegations made against him. If the accusation is nebulous and can be used to establish more than one CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 32 2026:KER:76793 charge, or if it does not make out a corrupt practice at all, the charge fails at

the very threshold. So long as the charge levelled is beyond doubt, sub-section (5) of [Section 86](#) is satisfied; the rest is mere refinement. They either pertain to the region of particulars or evidence.

15.5. In *Raj Narain* [(1972) 3 SCC 850], the Three-Judge Bench noticed that interrogatories 1 to 18 and 31 do not touch the core of the allegations relating to commission of the corrupt practice, which is the subject-matter of issue No.1, and they merely touch the fringe of the matter. After quoting the provisions of Order XI Rule 1 of the Code, the Three-Judge Bench held that questions relevant during cross-examination are not necessarily relevant as interrogatories. The only questions that are relevant as interrogatories are those relating to 'any matters in question'. The interrogatories served must have a reasonably close connection with 'matters in question'. In that view, the Three-Judge Bench held interrogatories 1 to 18 as well as 31 to be irrelevant.

16. In [Nishi Prem v. Javed Akhtar](#) [1987 SCC OnLine Bom 296 : AIR 1988 Bom 222], a Division Bench of the Bombay High Court was dealing with an appeal preferred by the 3rd CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 33 2026:KER:76793 defendant against the order dated 14.07.1987 passed by the learned Chamber Judge in Chamber Summons No.370 of 1987, directing the 3rd defendant to disclose on affidavit the names of persons to whom the reference is made in an article titled 'Queer Quartet' written by 3rd defendant and published in April 1987 issue of the magazine 'Star Dust'. The article relates to the plaintiff and his wife, who is a film artist. The plaintiff claimed that the article is per se defamatory and the statements and suggestions made therein are false to the knowledge of the 3rd defendant. The 3rd defendant claimed that she overheard certain conversations at a gathering. Thereafter, she made enquiries with various people in the film industry, as well as the members of the unit of the film 'Mr.India'. The article quoted what these people told the 3rd defendant. The plaintiff claimed that the 3rd defendant, who is the author of the article, had concocted fictitious facts from her fertile imagination and that references to fictitious persons in the film industry and the film unit were made only to lend credibility to the article. The plaintiff also claimed that the defendants made no effort to ascertain the truth of the article's contents from the plaintiff. The article states that one of the persons who furnished the information was the 5th defendant. The plaintiff instituted suit CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 34 2026:KER:76793 on 30.03.1987 for a decree for damages amounting to Rs.25,00,000/- with incidental reliefs.

16.1. The plaintiff took out Chamber Summons No.370 of 1987 for a direction to the 3rd defendant, who is the author of the article, to disclose on affidavit the names of 'starwife', 'industrywalla', 'industrywallis', and 'unitwalla' of the film unit of 'Mr.India' referred to in the article. The affidavit filed in support of the Chamber Summons by the plaintiff on 09.04.1987 sets out that the author of the article should be directed to disclose the names to enable the plaintiff to make the proceedings more effective and complete and to substantiate his case. It further recites that the plaintiff is interested in suing the persons alleged to have made statements to the author of the article and in adding them as party defendants to the suit.

16.2. In answer to the Chamber Summons, the 3rd defendant filed an affidavit on 03.06.1987, and it was claimed that the statements made in the article are substantially true and correct, and that the expressions of opinion are fair comments on a matter with which the public is concerned. It was further claimed that an application for discovery by interrogatories to obtain disclosure of the names of the persons who gave information to the 3rd CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 35 2026:KER:76793 defendant was made with the object of suing them, and that object was improper and constituted abuse of the process of discovery. The 3rd defendant claimed that she should not be compelled to disclose the names of those who are

likely to be called as witnesses at the trial of the action. It was further stated that revealing the names would be unfair and unjust to the persons concerned, would amount to a breach of confidence, and would be contrary to the writer's professional ethics. The 3rd defendant asserted that it is a settled practice that discovery by way of interrogatories should not be ordered against a publication that deals with matters of interest to a large number of the public. According to the 3rd defendant, the plaintiff's application is an attempt to discover evidence the defendants propose to adduce in support of their claim, and the disclosure is sought to enable the plaintiff to intimidate the defendants' witnesses by threat of action.

16.3. The learned Chamber Judge, by the impugned order dated 14.07.1987, negated the contentions raised by the 3rd defendant, holding that the question as to whether the comments referred to in the article were made or not and, if made, by whom, is directly relevant and disclosure of names is also relevant for CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 36 2026:KER:76793 establishing malice. The learned Judge further held that, though the plaintiff has a complete cause of action against the present defendants, the direction for disclosing the names should be given to enable the plaintiff to make the proceedings more effective and complete and to substantiate the claim. The learned Chamber Judge referred to the 'newspaper rule' prevalent in England for over a century, but observed that there are vital constitutional and social interests which may have to be balanced against the protection extended to a newspaper, and there cannot be any hard and fast rule that the newspaper should not be compelled to disclose its source of information. The learned Chamber Judge held that the article written by the 3rd defendant does not disclose any information which can be said to be of public importance or of public interest and, therefore, the disclosure of names is directly material to the plaintiff's case. The learned Judge's order was challenged before the Division Bench.

16.4. In Nishi Prem [AIR 1988 Bom 222], the Division Bench noted that Order XI Rule 1 of the Code prescribes that in any suit the parties, by leave of the court, may deliver interrogatories provided that the interrogatories which do not relate to any matters in question in the suit shall be deemed CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 37 2026:KER:76793 irrelevant, notwithstanding that they might be admissible on the oral cross-examination of the witness. This rule is enacted to enable the parties to know the nature of the opponent's case, but the rule does not entitle the party to ascertain the facts which constitute exclusively the evidence of the other side. This is because it would enable unscrupulous parties to tamper with the other side's witnesses, manufacture contradictory evidence, and shape their case to defeat justice. Where the plaint or written statement does not disclose the nature of the case, interrogatories are administered to make good the deficiency. Interrogatories can also be administered to obtain admissions from other parties to facilitate the proof of the claim. Order XI Rule 6 of the Code provides that interrogatories may be objected to on the ground that they are scandalous or irrelevant, not exhibited bona fide for the purpose of the suit, or that the matters inquired into are not sufficiently material at that stage. It is well settled that the parties are not entitled to administer interrogatories to obtain discoveries of facts which constitute evidence of its adversary's case or title.

16.5. In Nishi Prem [AIR 1988 Bom 222], on the facts of the case at hand, the Division Bench observed that the plaintiff has sought disclosure of names with the object of suing those CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 38 2026:KER:76793 persons or adding them as defendants to the suit. The interrogatories administered for the above purpose cannot be granted. The cause of action against the defendants is complete, and the plaintiff does not

claim that it would not be entitled to a decree against the defendants without disclosure of the source of information. The Court of Appeal in the case of *Edmondson v. Birch and Company Ltd.* [(1905) 2 KB 523] considered this question and held that the interrogatories put in order to enable the plaintiff to bring an action against persons whose names would be disclosed were not put bona fide and should be declined. In a subsequent decision, in *Plymouth Mutual Co-operative and Industrial Society Ltd. v. Traders' Publishing Association Ltd.* [(1906) 1 KB 403], it was held that it would be right to refuse to allow an interrogatory when it was plain that the interrogatory was put for some purpose outside the action.

16.6. In *Nishi Prem* [AIR 1988 Bom 222], after referring to the law on the point, the Division Bench held that the interrogatories are not delivered to enable the plaintiff to gather cause of action for institution of separate action, which has no bearing on the action already instituted. On the facts of the case at hand, the Division Bench held that, as the plaintiff clearly CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 39 2026:KER:76793 asserted in the affidavit in support of the Chamber Summons that he is interested in suing the persons whose names would be disclosed by the 3rd defendant, the interrogatories should not have been granted by the learned Chamber Judge.

17. The main object of interrogatories is to enable a party to obtain from his adversary information as to facts which relate to the matters in question, which helps in reducing the burden with respect to facts which are within the special knowledge of the adversary. Another source of such information is cross-examination of a person or party with special knowledge. The person or party with such knowledge may avoid parting with that information in cross-examination, which would amount to conscious withholding of information, and require the court to draw an adverse inference against such person or party. However, drawing an adverse inference in such a situation is a matter of discretion to be exercised by the court in the facts and circumstances of the case at hand.

18. In [Sonia Senroy v. Amit Senroy](#) [1998 SCC OnLine Bom 181 : AIR 1998 Bom 302], a learned Single Judge of the Bombay High Court was dealing with Chamber Summons No.1209 of 1997 taken out by the plaintiff in Suit No.2630 of 1996, praying CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 40 2026:KER:76793 that the defendant be directed to produce and give inspection of the documents incorporated in Schedule A annexed to the Chamber Summons and furnish copies thereof to the plaintiff. It is also prayed that the defendant be directed to answer on oath the interrogatories set out in Schedule B to the Chamber Summons. The plaintiff-wife filed the Suit against the defendant-husband, praying that the defendant be directed to pay the plaintiff Rs.27,000/- per month by way of permanent maintenance for herself, as set out in Annexure Q to the plaint; and pay to the plaintiff, for the minor child Johann, a sum of Rs.7,000/- per month, by way of permanent maintenance, as set out at Annexure R to the plaint. In Annexure Q, the plaintiff has specified the expenses and given a breakup under various heads, such as transportation, household expenses, servant's salary, telephone bill, society outgoing, electricity bill, and miscellaneous/personal expenses. In Annexure R, the plaintiff has specified the expenses incurred for the minor child Johann under various heads, such as education expenses, living expenses, clothes, and medical expenses. It is the case of the plaintiff that unless this information is furnished by the defendant, it will be difficult for her to prove her case about the earnings of the defendant, and this information CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 41 2026:KER:76793 is extremely relevant and vital for fixing the amount of maintenance for herself and for her minor son Johann as claimed by her. The defendant, who did not file a written statement in Suit No.2630 of 1996, filed an affidavit in reply to Chamber Summons No.1209 of 1997

taken out by the plaintiff for the aforesaid reliefs, contending that he has not relied upon the documents mentioned by the plaintiff in the Annexures to the Chamber Summons, nor are they relevant for the purpose of the suit. According to the defendant, Chamber Summons No.1209 of 1997 is premature and can be administered only at the time of hearing and final disposal of the suit, and not at the interim stage. Since he has not yet filed a written statement in Suit No.2630 of 1996, the plaintiff cannot administer such an interrogatory at that stage. The plaintiff has taken out the Chamber Summons only to make fishing enquiries; hence, it is liable to be dismissed with costs.

18.1. In *Sonia Senroy* [AIR 1998 Bom 302], the learned Single Judge noticed that what is sought in Schedule A is inspection of documents like certified copies of the defendant's income-tax returns from the year 1990 to 1997, the defendant's salary certificate in Lufthansa Airlines, and deeds/agreements with respect to three flats and one garage, which, according to the CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 42 2026:KER:76793 plaintiff, the defendant has purchased. The plaintiff wants to inspect these documents, which are in the defendant's exclusive control and possession. She also wants to inspect the passbook entries from 1990 till date of the defendant's bank account No.3502 in the Shyamrao Vithal Co-operative Bank and his other passbooks in the Jammu Kashmir Bank and in the State Bank of Mysore, Andheri (East) Branch. She also wants to have inspection of the defendant's passport and the birth certificate of his illegitimate child. In Schedule B, interrogatories are administered regarding the defendant's sources of income, list of clients, and income from the defendant's interior designing business, etc. The plaintiff's case was that, to determine the defendant's true financial status, the defendant has to be asked to disclose the sources of funds and details of bank payments. In the affidavit in support of the Chamber Summons, the plaintiff explained in each paragraph why she needs inspection of these documents and why the interrogatories are administered, as set out in Annexure B. However, in the affidavit in reply, the defendant has parried these submissions by answering that these enquiries are fishing enquiries and are not relevant.

18.2. In *Sonia Senroy* [AIR 1998 Bom 302], the learned CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 43 2026:KER:76793 Single Judge found that the contents of Annexures A and B are extremely relevant for the issue which is to be decided in the suit. The plaintiff has asked for permanent maintenance for herself and for her minor child Johann. Unless the court has a clear picture of the defendant's financial status, it cannot determine whether the plaintiff is justified in claiming the quantum of maintenance she has claimed for herself and her child, Johann. The defendant's excuse that, since he has not filed the written statement, the plaintiff's Chamber Summons is premature, is also not tenable. Under Order XI Rule 1 of the Code, the plaintiff can deliver relevant interrogatories to the defendant even before the filing of the written statement. In fact, the defendant, as a rule, is not allowed to deliver interrogatories to the plaintiff before filing the written statement. It is not the other way round. It is also a settled legal position that, as a general rule, interrogatories are to be allowed whenever the answers will serve either to maintain the case of the party administering them or to destroy the case of the adversary. The power to serve interrogatories is not meant to be confined within narrow technical limits. It should be used liberally, whenever it can shorten litigation and serve the interest of justice. In the case at hand, since the defendant has not filed any written CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 44 2026:KER:76793 statement, the question of destroying the defendant's case does not arise. However, the plaintiff has to obtain admissions from the defendant to facilitate proof of her own case.

18.3. In *Sonia Senroy* [AIR 1998 Bom 302], the learned Single Judge has referred to the decision in [Jamaitrai v. Motilal Chamaria](#) [AIR 1960 Cal. 536], wherein a learned Single Judge of the Calcutta High Court observed that the administering of interrogatories is a step which is more often desirable than undesirable and is to be encouraged rather than to be discouraged, because they not infrequently bring an action to an end at an earlier stage than otherwise would be the case, to the advantage of all parties concerned. Interrogatories should be confined to obtaining from the party interrogated admissions of facts which it is necessary for the party interrogating to prove in order to establish his case.

18.4. In *Sonia Senroy* [AIR 1998 Bom 302], the learned Single Judge agreed with the arguments of the learned counsel for the plaintiff, placing reliance on the decision in *Jamaitrai* [AIR 1960 Cal. 536], and concluded that the inspection of documents sought for by the plaintiff and the interrogatories delivered by the plaintiff to the defendant are absolutely relevant for deciding the CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 45 2026:KER:76793 question of quantum of maintenance prayed for by the plaintiff for herself and for her minor child. This is the precise issue in the suit. Therefore, the plaintiff's Chamber Summons has to be allowed.

19. In *Ammu Ammal* [1980 KLT 929], a learned Single Judge of this Court was dealing with a case in which, in proceedings in execution, the judgment-debtor claimed protection of the provisions of the Kerala Debt Relief Ordinance, 1977 (Ordinance No.9 of 1977). Thereupon the decree-holder served certain interrogatories on the judgment-debtor. Overruling the judgment-debtor's objection that no interrogatories could be served on the opposite party in execution proceedings, the court directed the judgment-debtor to answer the interrogatories. The judgment-debtor challenged the said order before this Court by filing a civil revision petition under Section 115 of the Code. The only point for consideration was whether interrogatories could be served in execution proceedings and whether the opposite party on whom interrogatories are served could be directed to answer the same. The judgment-debtor relied on Order XI Rule 1 of the Code relating to discovery by interrogatories, which refers only to suits, not to execution proceedings. The court held that the suit does not terminate by judgment and decree; it terminates only CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 46 2026:KER:76793 when the fruits of the decree are realised, and the execution proceedings have come to an end.

19.1. In *Ammu Ammal* [1980 KLT 929], a learned Single Judge noticed that [Section 30](#) of the Code confers jurisdiction on the court to make such orders as may be necessary or reasonable in all matters relating to (among others) the delivery and answering of interrogatories at any time, either of its own motion or on the application of any party. This power is wide enough to make the court competent to direct any party to answer interrogatories at any time before the suit is decreed, and after the suit is decreed in execution proceedings. [Section 30](#) of the Code appears to follow the English procedure which enables the court to order discovery in any cause or matter in the Supreme Court to which the rules of the Supreme Court apply. The Apex Court has referred to this aspect in [M.L. Sethi v. R.P. Kapur](#) [(1972) 2 SCC 427].

19.2. In *Ammu Ammal* [1980 KLT 929], a learned Single Judge noticed that interrogatories are usually served on the opposite party to facilitate proof of his own case, and the administration of interrogatories should be encouraged, as it is a means of obtaining admissions and tends to shorten litigation.

CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 47 2026:KER:76793 Before the learned Single Judge, the learned counsel for the petitioner argued that, but for the provisions in Order XI of the Code, discovery and inspection cannot be ordered and that the provisions in

Order XI apply only to suits. The learned Single Judge referred to the decision of the Apex Court in [Ram Sewak v. H.K. Kidwai](#) [AIR 1964 SC 1249], wherein it was held that the Election Tribunal has undoubtedly the power to direct discovery and inspection of documents with which the civil court is invested under the Code when trying a suit. [Section 30](#) of the Code confers this power, enabling the court to pass the orders made mention of in that section 'at any time'. In *Ammu Ammal* [1980 KLT 929], the learned Single Judge observed that, at any rate, it cannot be said that the executing court has no jurisdiction to direct the opposite party on whom the interrogatories have been served to answer them. [Section 30](#) of the Code vests this jurisdiction in a court, be it trying a suit or executing a decree.

20. In [P. Balan v. Central Bank of India](#) [AIR 2000 Ker 24 : 1999 (3) KLT SN 76], a learned Single Judge of this Court was dealing with a civil revision petition filed under Section 115 of the Code, by the 1st defendant in O.S.No.274 of 1997 on the file of the Sub Court, Kozhikode, challenging the order passed in I.A. CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 48 2026:KER:76793 No.6076 of 1998 filed by him, invoking the provisions under Order XI Rule 1 of the Code, calling upon the plaintiff to answer the interrogatories presented by him. The Sub Court dismissed the application, observing that the details and answers sought are within the petitioner's knowledge and are also revealed by the documents and account sheet produced by the plaintiff. Therefore, no further clarification is necessary.

20.1. In *P. Balan* [1999 (3) KLT SN 76], the respondent- plaintiff filed the suit seeking recovery of a total sum of Rs.4,29,345.23 from the defendant-petitioner allegedly due on a term loan of Rs.30,000 given on 22.08.1981, and a cash credit transaction of Rs.30,000 allowed on the same date. The defendant admitted his signatures in the relevant documents, including the confirmation letter produced by the plaintiff; but contended that it was a document concocted using one of the signed blank papers which the defendant was compelled to sign at the time of release of the loans. The defendant challenged the statement of accounts, calculation of interest and even the admissibility of the interest claimed by the plaintiff. He argued that only 12% interest was payable. The interrogatories put forth included questions as to the exact amount of the loans; the precise rate of interest calculated;

CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 49 2026:KER:76793 whether interest was enhanced at any time and if so at what rate; whether the first defendant has paid up any amount towards the loan and if so on which dates; whether the amounts mentioned in the statement of account included anything other than the principal and interest; whether the loans in question were disbursed pursuant to any specific scheme introduced by the Government and whether the plaintiff's concern is accepted by the plaintiff as a Small Scale Industry duly registered under the law.

20.2. In *P. Balan* [1999 (3) KLT SN 76], on the scope and nature of the provisions relating to interrogatories, the learned Single Judge noticed that Order XI Rule 1 of the Code provides that either party to a suit may deliver interrogatories in writing for the examination of the opposite parties and that the interrogatories shall have a note at the foot thereof stating which of such interrogatories are to be answered by one or other of the parties. The proviso to Rule 1 is to the effect that interrogatories which do not relate to the matters in question in the suit shall be deemed irrelevant, notwithstanding that they might be admissible on the oral cross-examination of a witness. Rule 2 enables the court to take into account any offer which may be made by the parties sought to be interrogated to deliver particulars, or to make CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 50 2026:KER:76793 admissions, or to produce

documents relating to the matters in question and provides that leave shall be given as to such only of the interrogatories submitted as the court shall consider necessary either for disposing fairly of the suit or for saving costs. Rule 6 is to the effect that any objection to answering any interrogatory on the ground that it is scandalous or irrelevant or not exhibited bona fide for the purpose of the suit, or that the matters inquired into are not sufficiently material at that stage or on the ground of privilege or any other ground might be taken by the other side through an affidavit in answer. Rule 7 enables the court to set aside the interrogatories on the ground that they have been exhibited unreasonably or vexatiously or on the ground that they are prolix, oppressive, unnecessary or scandalous.

20.3. In P. Balan [1999 (3) KLT SN 76], the learned Single Judge noticed the decision in Sree Padmanabha Dasa Marthanda Varma v. Moolan Thirunal Rama Varma [1998 (1) KLT 113], wherein it was observed that interrogatories have very often a more useful function in action than is always appreciated. Though interrogatories are to be kept strictly within the legitimate limits within which they are permissible, the administering of interrogatories is definitely a step which is more CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 51 2026:KER:76793 often desirable than undesirable and to be encouraged rather than to be discouraged because they frequently bring an action to an end at an earlier stage than otherwise would be the case, to the advantage of all parties concerned, thereby shortening the life- span of a litigation.

20.4. In P. Balan [1999 (3) KLT SN 76], the learned Single Judge noticed another decision in W.S. Insulators of India Ltd. v. Power Systems and Projects [1988 (1) KLT 297], wherein this Court has specifically gone into the question whether details of accounts can be called for from the rival party. In that decision, it was held that where an account is claimed, or a question of account arises, interrogatories as to details of accounts may be allowed. The court at that stage is not concerned with the ultimate entitlement of the plaintiff to the amount. The defendants cannot justifiably take a defiant attitude or indifferent stand when they are bound by the provisions of law and the orders of the court. It may be that an answer bona fide given by a party may not be the correct or proper one on an elucidation of the issue in the light of the entirety of the evidence. In that way, the court may not be concerned at an interlocutory stage with the ultimate truthfulness or correctness of the answer. However, the defendant cannot, with CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 52 2026:KER:76793 impunity, violate a direction to answer a question when the information is readily available with the defendant and the court has adjudicated the question as relevant and required the defendant to answer it.

20.5. In P. Balan [1999 (3) KLT SN 76], after referring to the law laid down in Sree Padmanabha Dasa Marthanda Varma [1998 (1) KLT 113] and W.S. Insulators of India Ltd. [1988 (1) KLT 297], the learned Single Judge observed that the object and purpose of serving interrogatories is to enable a party to require information from his opponent for the purpose of maintaining his own case or for destroying the case of the adversary. Answering interrogatories may save expenses and shorten litigation by enabling a party to obtain from the other side information about material facts in dispute or to obtain admissions of facts the plaintiff must prove on any issue. Answering interrogatories often shortens trial proceedings and saves the time of the court and parties, besides saving expenses for summoning witnesses, documents, and the like. As a general rule, therefore, interrogatories are to be allowed whenever the answer to them will serve either to help the party in proving his case or to destroy the case of the adversary. The power is not meant to be confined CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 53 2026:KER:76793 within narrow limits and should be used liberally whenever it can shorten the litigation and serve the

interest of justice. Nevertheless, the power has to be exercised with care and caution so that no party abuses it. Interrogatories have to be confined to facts relevant to the 'matters in question' in the suit.

20.6. In P. Balan [1999 (3) KLT SN 76], the learned Single Judge observed that a plaint or a written statement may not sufficiently disclose the nature of parties to the case, and to make good any deficiency, either party can serve interrogatories in writing which, when answered, would enable the court to decide the suit without probing into the questions elaborately in the light of oral and documentary evidence. The court has to approach the question from a broad perspective, considering whether granting them will enable a fair trial and save the parties the cost of litigation. Of course, the possible objections specifically mentioned in Order XI Rule 6 of the Code have also to be considered. The interrogatories have to bear a reasonably close connection with the 'matters in question'. A party may administer interrogatories to his opponents to obtain admissions to facilitate proof of his case and to save the costs that might otherwise be incurred in adducing evidence to prove the necessary facts.

CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 54 2026:KER:76793 20.7. In P. Balan [1999 (3) KLT SN 76], on the facts of the case at hand, the learned Single Judge noticed that the court below has not considered the question of admissibility of the interrogatories from the right perspective and the order is not speaking in nature. It may be that some of the interrogatories are not admissible; but at least some of them cannot be stated to be totally irrelevant. One such question is the basis of calculation in the statement of account with regard to the interest prevailing from time to time. The defendant's case that the agreement between the parties mentioned only interest linked to the Reserve Bank of India rate, and not any specific rate, appears to be correct. A lot of time and energy can be saved if the specific rate of interest prevailing at each period is made known to the defendant so that he can verify the statement of accounts produced in the case from that perspective. It is true that the respondent is a bank; but even a bank statement can be erroneous. The learned Single Judge found the impugned order defective because it did not consider each interrogatory in light of the provisions of law and the legal principles aforementioned. Accordingly, the learned Single Judge set aside the impugned order in the application filed under Order XI Rule 1 of the Code and remitted the matter to the Sub Court CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 55 2026:KER:76793 for a fresh decision by way of a speaking order.

21. In [Union of India v. Ibrahim Uddin](#) [(2012) 8 SCC 148], a Two-Judge Bench of the Apex Court observed that Order XI of the Code contains provisions aimed at saving expense by obtaining information as to material facts and obtaining admission of any fact that a party has to prove on any issue. The object of introducing such a provision is to secure all material documents and to end protracted enquiry into documents/materials in the possession of the other party.

22. Sub-section (5) of [Section 83](#) of the 1995 Act makes it explicitly clear that the Waqf Tribunal shall be deemed to be a civil court and shall have the same powers as may be exercised by a civil court under the Code, while trying a suit, or executing a decree or order.

23. Under clause (a) of [Section 30](#) of the Code, subject to such conditions and limitations as may be prescribed, the court may, at any time, either of its own motion or on the application of any party, make such orders as may be necessary or reasonable in all matters relating to the delivery and answering of interrogatories, the admission of documents and facts, and the CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 56 2026:KER:76793 discovery,

inspection, production, impounding and return of documents or other material objects producible as evidence.

24. Under Order XI Rule 1, in any suit the plaintiff or defendant by leave of the court may deliver interrogatories in writing for the examination of the opposite parties or any one or more of such parties and such interrogatories when delivered shall have a note at the foot thereof stating which of such interrogatories each of such persons is required to answer. As per the second proviso to Rule 1, interrogatories which do not relate to any matters in question in the suit shall be deemed irrelevant, notwithstanding that they might be admissible on the oral cross-examination of a witness. In view of the provisions of Order XI Rule 2 of the Code, in deciding on an application for leave to deliver interrogatories, the court shall take into account any offer, which may be made by the party sought to be interrogated to deliver particulars, or to make admissions, or to produce documents relating to the matters in question, or any of them, and leave shall be given as to such only of the interrogatories submitted as the court shall consider necessary either for disposing fairly of the suit or for saving costs.

25. Under Order XI Rule 6 of the Code, any objection to CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 57 2026:KER:76793 answering any interrogatory on the ground that it is scandalous or irrelevant or not exhibited bona fide for the purpose of the suit, or that the matters inquired into are not sufficiently material at that stage, or on the ground of privilege or any other ground, may be taken in the affidavit in answer. Under Order XI Rule 7 of the Code, any interrogatories may be set aside on the ground that they have been exhibited unreasonably or vexatiously, or struck out on the ground that they are prolix, oppressive, unnecessary or scandalous.

26. After quoting Order XI Rule 1 of the Code, a Three- Judge Bench of the Apex Court in Raj Narain [(1972) 3 SCC 850] held that questions relevant during cross-examination are not necessarily relevant as interrogatories. The only questions that are relevant as interrogatories are those relating to 'any matters in question'. The interrogatories served must have a reasonably close connection with 'matters in question'. As observed by a Two- Judge Bench of the Apex Court in Ibrahim Uddin [(2012) 8 SCC 148] Order XI of the Code contains provisions aimed at saving expense by obtaining information as to material facts and obtaining admission of any fact that a party has to prove on any issue. The object of introducing such a provision is to secure all CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 58 2026:KER:76793 material documents and to end protracted enquiry into documents/materials in the possession of the other party.

27. As held by a Division Bench of the Bombay High Court in Nishi Prem [AIR 1988 Bom 222], Order XI Rule 1 of the Code is enacted to enable the parties to know the nature of the opponent's case, but the rule does not entitle the party to ascertain the facts which constitute exclusively the evidence of the other side. Where the plaint or written statement does not disclose the nature of the case, interrogatories are administered to make good the deficiency. Interrogatories can also be administered to obtain admissions from other parties to facilitate the proof of the claim. Under Order XI Rule 6 of the Code, interrogatories may be objected to on the ground that they are scandalous or irrelevant, not exhibited bona fide for the purpose of the suit, or that the matters inquired into are not sufficiently material at that stage. After referring to the law on the point, the Division Bench held that the interrogatories are not delivered to enable the plaintiff to gather cause of action for institution of separate action, which has no bearing on the action already instituted.

28. As held by a learned Single Judge of the Bombay High Court in Sonia Senroy [AIR 1998 Bom 302], under Order XI CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 59 2026:KER:76793 Rule 1 of the Code, the plaintiff can deliver relevant interrogatories to the defendant even before the filing of the written statement. In fact, the defendant, as a rule, is not allowed to deliver interrogatories to the plaintiff before filing the written statement. It is not the other way round. As a general rule, interrogatories are to be allowed whenever the answers will serve either to maintain the case of the party administering them or to destroy the case of the adversary. The power to serve interrogatories is not meant to be confined within narrow technical limits. It should be used liberally, whenever it can shorten litigation and serve the interest of justice.

29. As held by a learned Single Judge of this Court in Ammu Ammal [1980 KLT 929], [Section 30](#) of the Code confers jurisdiction on the court to make such orders as may be necessary or reasonable in all matters relating to (among others) the delivery and answering of interrogatories at any time, either of its own motion or on the application of any party. This power is wide enough to make the court competent to direct any party to answer interrogatories at any time before the suit is decreed, and after the suit is decreed in execution proceedings. Interrogatories are usually served on the opposite party to facilitate proof of his own CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 60 2026:KER:76793 case, and the administration of interrogatories should be encouraged, as it is a means of obtaining admissions and tends to shorten litigation. [Section 30](#) of the Code confers this power, enabling the court to pass the orders made mention of in that section 'at any time'. [Section 30](#) of the Code vests this jurisdiction in a court, be it trying a suit or executing a decree.

30. As observed by a learned Single Judge of this Court in P. Balan [1999 (3) KLT SN 76], after referring to the law laid down in Sree Padmanabha Dasa Marthanda Varma [1998 (1) KLT 113] and W.S. Insulators of India Ltd. [1988 (1) KLT 297], the object and purpose of serving interrogatories is to enable a party to require information from his opponent for the purpose of maintaining his own case or for destroying the case of the adversary. Answering interrogatories may save expenses and shorten litigation by enabling a party to obtain from the other side information about material facts in dispute or to obtain admissions of facts the plaintiff must prove on any issue. The power is not meant to be confined within narrow limits and should be used liberally whenever it can shorten the litigation and serve the interest of justice. However, interrogatories have to be confined to facts relevant to the 'matters in question' in the suit. The court CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 61 2026:KER:76793 has to approach the question from a broad perspective, considering whether granting them will enable a fair trial and save the parties the cost of litigation. Of course, the possible objections specifically mentioned in Order XI Rule 6 of the Code have also to be considered. The interrogatories have to bear a reasonably close connection with the 'matters in question'. The court has to consider the admissibility of the interrogatories from the right perspective, by way of a speaking order.

31. In the case at hand, in the applications filed under Order XI Rule 1 of the Code, the case of the applicants- respondents herein is that the order dated 20.05.2019 of the State Waqf Board, which is under challenge in W.O.A.Nos.102 of 2025, 137 of 2025, 123 of 2025 and 141 of 2025 was passed without complying with the procedures under the Act of 1995, which are mandatory in nature. The State Waqf Board has not complied with the provisions of [Sections 4, 5 and 6](#) of the Act of 1995 in declaring the property as a waqf property. The State Government did not adhere to the procedure under [Sections 4, 5 and 6](#) of the Act of 1995 at any stage before issuing directions under [Section 97](#). Under the proviso to [Section 5](#), read with [Sections 6 and 7](#), the State Government is required to

publish the list of waqf properties CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 62 2026:KER:76793 in the official gazette. No such publication has been made in relation to the order dated 20.05.2019. Therefore, in the absence of any documents evidencing compliance with the mandatory requirement and procedures, it has become necessary to seek leave of the Tribunal to submit interrogatories to be answered by the State Waqf Board, which are necessary for proper adjudication of the original applications.

32. In [Vithalbhai \(P\) Ltd. v. Union Bank of India](#) [(2005) 4 SCC 315], a Two-Judge Bench of the Apex Court observed that a suit of a civil nature disclosing a cause of action, even if filed before the date on which the plaintiff became actually entitled to sue and claim the relief founded on such cause of action, is not to be necessarily dismissed for such reason. The question of suit being premature does not go to the root of jurisdiction of the court; the court entertaining such a suit and passing decree therein is not acting without jurisdiction, but it is within the judicial discretion of the court to grant decree or not. The court would examine whether any irreparable prejudice was caused to the defendant on account of the suit having been filed a little before the date on which the plaintiff's entitlement to relief became due and whether by granting the relief in such suit a CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 63 2026:KER:76793 manifest injustice would be caused to the defendant. However, the court shall not exercise its discretion in favour of decreeing a premature suit in the following cases: (i) when there is a mandatory bar created by a statute which disables the plaintiff from filing the suit on or before a particular date or the occurrence of a particular event; (ii) when the institution of the suit before the lapse of a particular time or occurrence of a particular event would have the effect of defeating a public policy or public purpose; (iii) if such premature institution renders the presentation itself patently void and the invalidity is incurable such as when it goes to the root of the court's jurisdiction; and (iv) where the lis is not confined to parties alone and affects and involves persons other than those arrayed as parties, such as in an election petition which affects and involves the entire constituency. Another category of suits that may be added to the above is where leave of the court or some authority is mandatorily required before instituting the suit and was not so obtained.

33. In the impugned orders dated 20.12.2025, on the merits of the interlocutory applications, the Waqf Tribunal noted that the contention of the applicants is that before passing the impugned order dated 20.05.2019, the State Waqf Board had not CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 64 2026:KER:76793 complied with the mandatory provisions and the procedures in the Act of 1995 for registration of the waqf and for the adjudication of the issues in the original applications it is necessary to direct the State Waqf Board to answer the interrogatories, which are necessary for clarifying the issues and relevant to the fair adjudication of the disputes. Considering the disputes between the parties and the issues in the original applications, the Waqf Tribunal found that the interrogatories are relevant and necessary for a fair adjudication of the disputes and are not vexatious or unnecessary. Further, the 1st respondent State Waqf Board has no case that the information sought cannot be disclosed on the ground of any privilege or other valid reasons. Therefore, by the impugned orders, the Tribunal allowed the interlocutory applications by granting permission to the applicants to deliver interrogatories to the 1st respondent State Waqf Board and directed the Board to answer the interrogatories within one month from the date of that order.

34. When the object and purpose of serving interrogatories is to enable a party to require information from his opponent, on facts relevant to the 'matters in question', for the purpose of maintaining his own case or for destroying the case of the CNR : KLHC010159312026

MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 65 2026:KER:76793 adversary, and that power should be used by the court or tribunal whenever it can shorten the litigation, the Waqf Tribunal cannot be found fault with in allowing the applications filed by the applicants under Order XI Rule 1 of the Code, by the impugned orders dated 20.12.2025.

In the above circumstances, these appeals fail. The appeals are accordingly dismissed; however, the appellant-State Waqf Board is granted one month's time from the date of receipt of a copy of this judgment to comply with the directions contained in the impugned orders dated 20.12.2025.

Sd/-

ANIL K. NARENDRAN, JUDGE Sd/-

MURALEE KRISHNA S., JUDGE BKN/AV/MINU CNR : KLHC010159312026

MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 66 2026:KER:76793 APPENDIX OF MFA (WAQF) NO. 13 OF 2026 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE I.A 2/2025 IN W.O.A. 102/2025 BEFORE THE WAKF TRIBUNAL, KOZHIKODE DATED 07.09.2025 Annexure A2 TRUE COPY OF THE COUNTER IN I.A 2/2025 IN W.O.A. 102/2025 BEFORE THE WAKF TRIBUNAL, KOZHIKODE DATED 20.09.2025 CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 67 2026:KER:76793 APPENDIX OF MFA (WAQF) NO. 14 OF 2026 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE I.A 3/2025 IN W.O.A.137/2025 BEFORE THE WAQF TRIBUNAL, KOZHIKODE DATED 15.09.2025 Annexure A2 TRUE COPY OF THE COUNTER STATEMENT FILED BY THE APPELLANT/ 1 RESPONDENT IN LA 3/2025 IN W.O.A.137/2025 BEFORE THE WAQF TRIBUNAL, KOZHIKODE DATED NIL OF SEPTEMBER 2025 RESPONDENT EXHIBITS Exhibit R1(A) THE TRUE COPY OF THE WAQF ORIGINAL APPLICATION NO.137/2025 DATED 28.07.2025 FILED BY THE DEPONENT BEFORE THE HON'BLE WAQF TRIBUNAL, KOZHIKODE ALONG WITH ITS ANNEXURES Exhibit R1(B) THE TRUE COPY OF THE APPLICATION FOR CONDONATION OF DELAY, I.A. NO. 2/2025 DATED 28.07.2025 IN WAQF ORIGINAL APPLICATION NO.137/2025 FILED BY THE DEPONENT BEFORE THE HON'BLE WAQF TRIBUNAL, KOZHIKODE Exhibit R1(C) A TRUE COPY OF THE COUNTER STATEMENT DATED 17.03.2026 FILED BY THE 1ST RESPONDENT IN W.O.A. NO.137/2025 BEFORE THE HON'BLE WAQF TRIBUNAL, KOZHIKODE JUDGEMENT Union Bank of London v. Manby Exhibit R1(D) A TRUE COPY OF THE PROCEEDINGS IN W.O.A. NO.137/2025 BEFORE THE HON'BLE WAQF TRIBUNAL, KOZHIKODE JUDGEMENT Disney v. Langbourn CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 68 2026:KER:76793 APPENDIX OF MFA (WAQF) NO. 15 OF 2026 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE LA 3/2025 IN W.O.A.123/2025 BEFORE THE WAQF TRIBUNAL, KOZHIKODE DATED 15.09.2025 Annexure A2 TRUE COPY OF THE COUNTER STATEMENT FILED BY THE APPELLANT/ 1 RESPONDENT IN IA 3/2025 IN W.O.A.123/2025 BEFORE THE WAQF TRIBUNAL, KOZHIKODE DATED NIL OF SEPTEMBER 2025 RESPONDENT ANNEXURES Annexure R1(A) A TRUE COPY OF THE COUNTER STATEMENT DATED 07.03.2026 FILED BY THE 1ST RESPONDENT IN W.O.A. NO.123/2025 BEFORE THE HON'BLE WAQF TRIBUNAL, KOZHIKODE Annexure R1(B) A TRUE COPY OF THE PROCEEDINGS IN W.O.A. NO.123/2025 BEFORE THE HON'BLE WAQF TRIBUNAL, KOZHIKODE CNR : KLHC010159312026 MFA(WAQF)Nos.13, 14, 15 and 17 of 2026 69 2026:KER:76793 APPENDIX OF MFA (WAQF) NO. 17 OF 2026 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE I.A 4/2025 IN W.O.A.141/2025 BEFORE THE WAQF TRIBUNAL, KOZHIKODE DATED 19.09.2025 Annexure A2 TRUE COPY OF THE COUNTER IN

I.A 4/2025 IN W.O.A.141/2025 BEFORE THE WAQF TRIBUNAL, KOZHIKODE DATED NIL OF
.09.2025