

**IN THE COURT OF THE SUB JUDGE, CHERTHALA**

**Present:- Ms.Lakshmy.S., Sub Judge  
Tuesday, 3<sup>rd</sup> day of June 2025/13<sup>th</sup> Jayshta 1947**

**IA 5//2025 in AS.54/2024**

**(Filed on : 18.01.2025)**

**Petitioner/ Appellant : P.K.Anilkumar, aged 47 years,  
So. Padhmanabhan,  
Kalathil House, Perumthuruthu Muriyil,  
Mannanchary Village.**

**By Adv. Jacob Tomlin Varghese**

**Cr. Petitioners/ Defendant: - Raveendran, S/o. Kandan, Kalathil House,  
Perumthuruthu Muriyil,  
Thaneermukkom South Village.**

**By Adv.S.S. Sathjith**

This petition having been finally heard on 03.06.2025 and the Court on the same day passed the following:-

**ORDER**

The present petition is filed by the appellant to appoint an Officer of the Court to remove the obstruction made on the way used by him.

2. The Petitioner has contended that the respondents altered the status of plaint schedule properties and caused obstruction to the user of way to the appellants property. Thus he filed IA 2/2024 to remove the obstruction which was allowed by this Court. But the respondent did not obey the directions and hence this petition is filed.

3. The respondent filed objection that order of the Court was complied with and the net fixed across the property was removed. The appellant has no right of way through plaint schedule property and hence the IA is to be dismissed.

4. Heard Both sides.

5. On the basis of allegation by the appellant that the respondent has not obeyed the order in IA 2/2024 a Commissioner was deputed to report the current status of the property. The Commissioner has filed report that the garden net fixed at the time of her first visit was removed. But she reported an extension of a foundation on the southern side of respondent's property and the same appeared 5 year old to the Commissioner. However the Commissioner has not reported that there is total obstruction to the user of way to appellants property and the foundation appeared to be an old one. In this case the very existence of the way through plaint schedule property and its user are under dispute and hence it is only just and proper to presence the

status of the property. The removal of the existing foundation before the final disposal of the case is not proper and hence the IA is only to be dismissed.

In the result, IA is dismissed, without costs.

Pronounced by me in open court on this, the 03<sup>rd</sup> day of June, 2024

Sd/-  
**LAKSHMY.S,**  
**SUB JUDGE**

Appendix:- Nil

Id/-  
**SUB JUDGE**