

IN THE COURT OF THE ADDITIONAL MUNSIFF, CHERTHALA

Present: Sri. Mahesh. M., Additional Munsiff

Tuesday, the 28th day of October, 2025/ 6th Karthikam, 1947.

EA No. 01/25 in EP No. 168/2025 in O.S. No. 380/2019

(Filed on 25.09.2025)

Applicants/Decree Holders/Plaintiffs:-

1. Chidambaran, aged 72,
S/o Narayanan, Mathichira House,
Muhamma P O, Muhamma Panchayath Ward-11,
Thanneermukkom South Village, Alappuzha.
2. Rajamma, aged 65,
W/o Chidambaran, Mathichira House,
Muhamma P O, Muhamma Panchayath Ward-11,
Thanneermukkom South Village, Alappuzha.
3. Sabu, aged 35,
S/o Chidambaran, Mathichira House,
Muhamma P O, Muhamma Panchayath Ward-11,
Thanneermukkom South Village, Alappuzha.

By Adv.Aravind Ghosh

Respondents/Judgment Debtors/Defendants:-

1. Chellamma, aged 65,
D/o Narayani, Mathichira House,
Muhamma P O, Muhamma Panchayath Ward-11,
Thanneermukkom South Village, Alappuzha.
2. Reji, aged 43,
S/o Rajappan, Mathichira House,
Muhamma P O, Muhamma Panchayath Ward-11,
Thanneermukkom South Village, Alappuzha.

By Adv. Nil

This Execution application having been finally heard on 28.10.2025 and the Court on the same day passed the following:-

ORDER

This is a petition filed by the decree holder under Order XXVI Rule 9 of Code of Civil Procedure for deputing a commissioner for local investigation.

2. The averments of the Petitioner in support of the application are that, even after the decree the judgment debtors are trespassing into the plaint schedule property. Hence it is necessary to construct a compound wall on the boundary of the decree schedule property. For that the property has to be measured for which this petition is filed.

3. No objection is seen filed from the side of the respondents.

4. Heard.

5. Perused the records. I am satisfied with the grounds stated in the application. For the effective disposal of the execution petition the matters sought in the present application needs to be ascertained. I believe that the same will indeed help to elucidate the matters in dispute.

6. In the result, this petition is allowed. Advocate S Lekha is appointed as the Commissioner and Sri.V.M.Chellappan is appointed as the surveyor. Batta of Advocate commissioner is fixed at Rs.3500/- and Surveyors batta at Rs.2500/-. On receiving warrant of commission, the Adv. Commissioner shall visit the subject matter properties as early as possible. The commissioner shall ascertain the matters sought in the application. Further the Commissioner is directed to give notice to the parties before making inspection and if it is not possible for the Commissioner to give notice, he must state that fact in the report.

Commissioner shall also mention in the report the way the attempt was made to give notice to the parties before inspection. **The advocate commissioner and surveyor shall make sure that the plan contains all the essential requirements as per the dictum laid down by the Hon'ble High Court of Kerala in Sabu V Sasi (2022 (2) KHC 435).**

(Dictated to the Confidential Asst. transcribed and typed by her, corrected by me and pronounced in open court on this the 28th day of October, 2025.)

Sd/-
MAHESH M
ADDITIONAL MUNSIFF

APPENDIX :- NIL

Sd/-
ADDITIONAL MUNSIFF