

**IN THE COURT OF THE PRINCIPAL MUNSIFF, CHERTHALA**

**Present: Sri. Rovin Rodrigues, Principal Munsiff**

**Wednesday, the 03<sup>rd</sup> day of December 2025/ 12<sup>th</sup> Agrahayanam, 1947**

**IA 11/2025 in O. S. No. 265/2025**

(Filed on 29.10.2025)

**Petitioners/ Defendants -**

1. Puthenkavu 80 Padasekhara Nellulpadaka  
Samithi Rep. By President Satheesh Shenoy,  
aged 48, Dhanwandary Madom,  
Cherthala P.O.
2. Puthenkavu 80 Padasekhara Nellulpadaka  
Samithi Rep. By Secretary, K.J.Antony,  
aged 62, S/o.K.K.George, Koikkarm  
Parambil, Nettoor P.O., Erankulam.

*By Adv. Bejoy K.V.*

**Cr. Petitioners/ Plaintiffs:-**

1. Krishna Shenoy, aged 90, S/o. Janadhana  
Shenoy, Puthenkadu Madom, Padinjattumkara  
South Muri, Thuravoor Village, Cherthala.
2. Balagopala Shenoy, aged 57,  
S/o.Krishnan Shenoy, - do -

*By Adv. Jacob Tomlin Varghese.*

This petition having been heard on 03.12.2025 and the Court on the same day passed the following:-

**ORDER**

This is an application filed by the defendants seeking appointment of an Advocate Commissioner.

2. The petitioners/defendants claim that the suit has been unjustly instituted by the plaintiffs seeking permanent prohibitory and mandatory injunctions. It is claimed that the Commission report and rough plan obtained by the plaintiffs in this suit contain serious mistakes. Hence, a fresh commission should be issued to rectify those mistakes and ascertain the defendants' case.

3. The respondents/plaintiffs opposed the application mainly contending that the plain schedule properties were measured out as per survey records in previous suits and the properties of plaintiffs and defendants do not share any common boundary.

4. Heard. Perused the records.

5. The main object of issuing a Commission under Order 26, Rule 9 CPC is to elucidate the matters in dispute. The petitioners/defendants have raised serious errors in the previous commission reports. If they are not rectified, it may lead to erroneous appreciation of evidence and cause serious prejudice to

the defendants. Allowing the petition is not going to cause much prejudice to the respondents/ plaintiffs. Hence, IA is allowed. Adv. Jayalakshmy K. s appointed as the Commissioner. Pay batta Rs.4000/-.

(Pronounced by me in the open Court on this day the 03<sup>rd</sup> day of December, 2025)

Sd/-

**Rovin Rodrigues**

Principal Munsiff

Appendix: - Nil

Sd/-

Principal Munsiff

/True Copy/

Principal Munsiff

*Typed by :jc  
Comp by :ra*

*Fair Copy of Order in  
IA No.11/25 in O.S.265/2025  
Dated: 03.12.2025*