

IN THE COURT OF THE ADDITIONAL MUNSIFF, CHERTHALA

Present: Smt. Anju Cletus., Additional Munsiff

Friday, the 9th day of April, 2021.

IA No.06/2021 in O.S. No. 522/2020

(Filed on 05.04.2021)

Petitioner/ Defendant:-

P.G.Reveendran, aged 70,
S/o Govindhan, Anjali, Pattanakkad.P.O,
Uzhuva Muri, Pattanakkad Village, Cherthala.
By Adv. M.M.Salichan

Respondents/ Plaintiffs:-

1. Jayaprakash, aged 43, S/o Sudhakaran,
Chennanattutharayil Veettil, Pattanakkad Muri,
Pattanakkadu Village, from Vayalar Muri,
Vayalar Kizhakku Village, Cherthala Taluk.
2. Jayakumar, aged 41, S/o Sudhakaran,
Chennanattutharayil Veettil, Pattanakkad Muri,
Pattanakkadu Village.
3. Jayaram, aged 53, S/o Sudhakaran,
Chennanattutharayil Veettil, Pattanakkad Muri,
Pattanakkadu Village, from Vayalar Muri,
Vayalar Kizhakku Village, Cherthala Taluk.
4. Retnamma, aged 51, W/o Asokan,
Kunnumpurathu Veettil, Thanneermukkom Village,
Cherthala Taluk, from Chennanattutharayil Veettil,
Pattanakkad Muri, Pattanakkadu Village,
from Vayalar Muri, Vayalar Kizhakku Village,
Cherthala Taluk.

5. Bindu, aged 49, D/o Sudhakaran,
Chennanattutharayil Veetil, Pattanakkad Muri,
Pattanakkadu Village, from Vayalar Muri,
Vayalar Kizhakku Village, Cherthala Taluk.
6. Rani, aged 47, W/o Shenil,
Kalathil Veetil, Kuthiathode Village,
Cherthala Taluk from Chennanattutharayil Veetil,
Pattanakkad Muri, Pattanakkadu Village,
from Vayalar Muri, Vayalar Kizhakku Village,
Cherthala Taluk.

By Adv.N.Balachandran

This petition having been heard on 09.04.2021 and the court on the same day passed the following :-

ORDER

Petition filed by the defendant to appoint an advocate commissioner to physically inspect the plaint schedule properties and report the matter sought to be ascertained before the court. The petition is vehemently objected by the counsel for the plaintiffs on the ground that the points sought to be ascertained are described in the petition in such a manner as dictating the commissioner as to what to report before the court.

Heard both sides.

Suit is at of its infancy. It is expedient that facts are brought before the court for effective determination of the questions that arise in the suit for consideration. It is noteworthy that Advocate Commissioner is the representative of the court who is supposed to impartially report before the court what is perceived during his inspection. So, there is no need for any apprehension as to whether the commissioner will be carried away by the assertions in the petition. However, considering the apprehension put forward by the respondents, I am

inclined to appoint Advocate Manjusha as the commissioner to report before the court to the facts sought to be ascertained with a specific direction to report the facts impartially as what is actually perceived by her during the inspection and not otherwise. Deposit commission batta @ Rs.3000/-. For commission report.

(Pronounced by me in open court on this the 9th day of April, 2021.)

Sd/-
ANJU CLETUS
ADDITIONAL MUNSIF.

APPENDIX :- NIL

Sd/-
ADDITIONAL MUNSIF