

IN THE COURT OF THE MUNSIFF, KOCHI

Present :-

Sri. Nishad Ibrahim, Additional Munsiff

Tuesday the 2nd day of April, 2024/ 13th Chaithram, 1946

I.A. No. 4/2023 in O.S. No. 96/2015

Petitioners/ Plaintiffs:-

- 1 Smt. Kalpalatha Babu, Aged 70, W/o. Late C.N Babu, residing at Chirayath House, Moolamkuzhi, Mundamveli P.O, Kochi – 682 507.
2. Nishanth C.B, Aged 40, S/o. Late C.N Babu, residing at Chirayath House, Moolamkuzhi, Mundamveli P.O, Kochi – 682 507.
3. Nikhil C.B, Aged 33, S/o. Late C.N Babu, residing at Chirayath House, Moolamkuzhi, Mundamveli P.O, Kochi – 682507.

By Advs. Paul Parakkal, K.S Sathis Babu and
Nimmy Joseph

Respondents/ Defendant:-

1. P.R Jacob (Died), S/o. Late Rockey, C.C 25/1065, Old No. 15/1197, Padamattumal House, Nazareth, Kochi -682002.
2. Mary Jacob, Aged 71, W/o. late P.R Jacob, C,C 25/1065, (Old No. 15/1197), Padamattumal House, Nazareth, Kochi – 682002.
3. Philomina, Aged 52, D/o. late P.R Jacob, C,C 25/1065, (Old No. 15/1197), Padamattumal House, Nazareth, Kochi – 682002.
4. Elsy, Aged 50, D/o. late P.R Jacob, C,C 25/1065, (Old No. 15/1197), Padamattumal House, Nazareth, Kochi – 682002,
5. Bindu, Aged 45, D/o. late P.R Jacob, C,C 25/1065, (Old No. 15/1197), Padamattumal House, Nazareth, Kochi – 682002
6. Augustine, Aged 40, S/o. late P.R Jacob, C,C 25/1065, (Old No.

15/1197), Padamattumal House, Nazareth, Kochi – 682002.

7. Josey, Aged 50, H/o. late Lissy, Thareparambu House, Veli, Fortkochi P.O, Kochi – 682 001.

8. Jacob, Aged 24, S/o. Josey, Thareparambu House, Veli, Fortkochi P.O, Kochi – 682001.

By Adv. Joseph Edakkatt

This petition filed under Section 151 of the Code of Civil Procedure, to remit back the commission report dated 24.01.2018 in order to incorporate the ladder, G-line, Check Line and offset Line. This petition come up for hearing before me on 02.04.2024 and the court on the same day, passed the following:-

ORDER

Petition filed by the plaintiffs in the suit to remit back the commission report dtd. 24.01.2018 in order to incorporate the ladder, G-line, Check line and Offset line.

2. Heard both sides.

3. According to the petitioner, as per the dictum laid down by the Hon'ble High Court of Kerala in Sabu V. Sasi (2022 (2) KHC 435) , it was necessary to incorporate the above details in the sketch.

4. The respondents/defendant filed counter opposing the petition.

5. In Sabu V. Sasi (2022 (2) KHC 435), the Hon'ble High Court of Kerala held that a survey plan becomes complete and self explanatory only when it contains the 'G-lines', 'Check-lines', 'F-lines', and offsets.

6. In view of the above dictum laid down by the Hon'ble High Court, I am

of the view that the commission report dated 24.01.2018 is liable to be remitted back to the same Adv. Commissioner and that the same Surveyor shall be appointed to assist the learned Adv. Commissioner.

In the result, the petition is allowed as follows:-

1. The commission report dtd. 24.01.2018 is remitted back to the same adv. commissioner to incorporate the ladder, G-lines, Check-lines, F-lines and offsets.
2. The same Surveyor is appointed as the Surveyor to assist the learned Adv. Commissioner.
3. Pay batta Rs. 2,000/- to the learned Adv. Commissioner and deposit Surveyor batta of Rs. 1,000/-.
4. Intimate the learned Adv. Commissioner and the Surveyor,
5. Being a five year old matter, the Adv. Commissioner is directed to file the commission report within 3 weeks.
6. For commission report – 24.05.2024.

(Pronounced by me in the open court on this the 02nd day of April, 2024.)

Sd/-
Nishad Ibrahim
Additional Munsiff

APPENDIX : Nil

ID/
Additional Munsiff

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Additional Munsiff