

IN THE COURT OF THE MUNSIFF, KOCHI

Present :- Smt.Sai Vani.K.R., LL.B., Additional Munsiff

Tuesday, the 11<sup>th</sup> day of March, 2014/20<sup>th</sup> Phalguna, 1935

**I.A.No.509/2014 in O.S. No.91/2014**

**Petitioner/Plaintiff:-**

T.K.Beena, aged 53, W/o.L.Sudeesh, residing at XI/359B,  
Kadathanattu House, Fortkochi, Kochi-682 001.

By Adv. K.N.Sivasankaran

**Respondents/Defendants:-**

1. Samson aged 47, S/o.K.T.Cleetus, residing at XI/359A, Kottilakattu House, Fortkochi, Kochi – 682 001.
2. Corporation of Kochi, Park Avenue, Ernakulam, Kochi-11.  
Represented by its Secretary.
3. The Assistant Engineer, Corporation of Kochi, Zonal Office,  
Fort Kochi, Kochi- 682 001.

By Adv.Lathakumari B.

This petition filed Under Order 26 Rule 9 of Civil Procedure Code to appoint a commissioner to prepare a report.

This petition come up for hearing before me on 11.03.2014 and the court on the same day passed the following:-

**ORDER**

Petitioner and respondents represented. This petition is filed for taking out a commission for local inspection seeking to report the details of construction made by the 1<sup>st</sup> respondent, alleged by the petitioner to be illegal. 1<sup>st</sup> respondent filed counter stating that the suit itself is not maintainable as barred U/s.563 of Kerala Municipalities Act. Heard both sides. This petition is filed only for conducting a local inspection to bring before this court the present situation. I find that no

prejudice will be caused to the respondent in allowing this petition. The question regarding maintainability cannot be considered at present, since it is a matter to be decided after detailed hearing. Hence this IA allowed. Adv.Viju P.S. is appointed as Adv. Commissioner. Pay commission batta of Rs.2500/- direct to the commissioner and produce memo. Adv. Commissioner shall conduct inspection after due notice to both parties. For commission report to 20.03.2014.

Pronounced in open court on this the 11<sup>th</sup> day of March, 2014.

Sai Vani K.R.  
Additional Munsiff

APPENDIX : Nil

Additional Munsiff

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compd by: