

IN THE COURT OF THE MUNSIF, KOCHI
Present :-

Smt. Karthika K., Additional Munsiff

Wednesday the 04th day of August, 2021/13th Sravana, 1943

I.A. No. 1/2021 in I.A. No. 348/2014 in O.S. No. 315/2012

Petitioners/Defendants/ Additional Defendants 5 to 7:-

- 1 Sarvan @ Sarvothaman (died)
- 2 Shyamala Sarvothaman, W/o.Sarvothaman, aged 64 years, Koikkara House, Kumbalangi South PO, Kochi –682007.
- 3 Raman, S/o. Late.Bappi, aged 67 years, Koikkara House, Kumbalangi South PO, Kochi –682007.
- 4 Sivan @ Sivadasan, S/o Late.Bappi, aged 63 years, Koikkara House, Kumbalangi South PO, Kochi –682007.
- 5 Vijitha K S, aged 39 years, D/o.Sarvothaman, Kalayanappalli House, Karanakodam, T D Sannidhi Road, Thammanam
- 6 Kavitha K S, aged 37 years, D/o.Sarvothaman, C C 4/1143, Thundiparambu, North Cherlai, Pin-682002
- 7 Vinita K S, aged 34 years, D/o.Sarvothaman, Chaniyil House, Ezhupunna, Cherthala, Pin-688550

By Adv. K S Sathis Babu & Nimmy Joseph

Respondent/Plaintiff:-

M.B.BalaKrishnan, S/o.Late.Bappi, aged 84 years, Koikkara House, KP 10/341, Kumbalangi South, Kochi- 682 007.

By Adv. Suraj Krishna B.S.

This petition filed under Section 151 of the Code of Civil Procedure to remit back the commission report to the commissioner to measure and report the points in the work memo filed on 29.03.2014 already allowed by this court.

This petition come up for hearing before me on 04.08.2021 and the

court on same day passed the following:-

ORDER

This is a petition filed by the defendants under Section 151 of CPC to remit back the commission report.

2. The petitioner alleges that IA 348/2014 a commission application has been filed by the respondent/plaintiff. This petitioners/defendants filed a work memo along with the petition. The court allowed the work memo and commission application and also directed to share the commission batta equally. Since the first commissioner Adv.Sajan Antony passed away during the course of the commission inspection the present commissioner was appointed.

3. But when the present commissioner filed the report he did not report the facts sought to be reported by the defendants/petitioners in the work memo. It will cause great prejudice and hardship to the petitioner. Hence this petition is filed to remit back the commission report to inspect and report the matters mentioned in the work memo. No counter filed by the respondent/plaintiff.

4. Heard the counsel for both sides.

5. I have perused the work memo filed by this defendants petition as well as the commission report I am satisfied that the matters sought to be

reported in the work memo is not inspected or reported by the commission. Since the main dispute is with regard to the pathway its lay lie width length are very important. Hence I am satisfied that for the purpose of ascertaining the matters reported in the work memo this Commission report is to be remitted back to the commissioner for rectification.

6. Hence the petition is allowed. Commission report is remitted back to the commissioner Adv.P R Thomachan. Petition to pay batta Rs.2000/- to the commissioner and Rs.1000/- to the surveyor. Intimate surveyor through District Survey Superintendent. For Commission report to 15.09.2021.

Pronounced by me in the open court on this the 4th day of August, 2021).

Sd/-
Simi P Siju
Additional Munsiff
For **Karthika K.**
Additional Munsiff

APPENDIX : - Nil

Id/-
Additional Munsiff

/// True Copy ///

Additional Munsiff

ORDER

I.A No. 1/2021

O.S. No. 315/2012

Dated : 04.08.2021