

IN THE COURT OF THE MUNSIFF, KOCHI

Present :-

Smt. Simi P Siju, Additional Munsiff

Tuesday the 25th day of November, 2025/4th Agrahayana, 1947

I.A. No.6/2025 in O.S. No. 118/2023

Petitioner/Plaintiff:--

C P Usha, W/o.Prabhakaran, aged 67 years, Chulliparambil House, Chappakadappuram, Elamkunnappuzha West, Elamkunnappuzha Post, Vypin, Kochi, Pin-682503

By Adv. Dennizen Komath

Respondent/Defendant :-

Shaji P B, S/o.Balan, aged 55 years, Pallayi House, Chappakadappuram, Elamkunnappuzha West, Elamkunnappuzha Post, Vypin, Kochi, Pin-682503

By Advs. N S Ajay, Neeraj T N, Babykuttan K C, Yrishika R & Varghesekutty

This petition come up for hearing before me on 14.11.2025 and the court on 25.11.2025 passed the following:-

ORDER

Petition filed u/s 151 of CPC to direct the SHO, Njarakkal Police station, to depute two or more additional police officers along with the woman police officer already engaged to afford protection for effective and peaceful completion of the measurement work.

2. **Petitioner's contentions to summarize, is as follows:-**

The petitioner is the plaintiff in the above case. The above suit for fixation of boundary, permanent prohibitory injunction and mandatory injunction. The advocate commissioner so appointed had visited the site but was obstructed by the respondents/defendants. In the interim report submitted before this court by the advocate commissioner stated that the police protection is necessary for completing the measurement work. It is submitted that this court directed the SHO, Njarakkal police station to depute a woman police officer to provide protection. However the presence of only one woman police officer is insufficient to ensure effective protection and to maintain law and order during the execution of the commission. As there is a likelihood of obstruction and resistance at the site and as the respondent's family as a whole has scant respect to law and legal system at large. If the petition is not allowed it will cause irreparable loss and injury to the petitioner. Hence the petition.

3. Respondent filed counter affidavit stating that the petition is not maintainable either on facts or on law. The petitioner has suppressed material facts and records and has approached this court

with unclean hands with an ulterior motive. The petitioner and his goons have created obstructions at the time of the fixation of boundary. The plaint schedule property is situated near the beach, and on the day for the fixation of the boundary heavy rain occurred. Hence the property was filled with water and thereby the property was not amenable to measuring. Due to this reason, the survey had to be postponed to the next date. Due to the heavy rainfall the survey notice could not be duly served upon the respondent. Obstructions stated in the interim report are false and denied. There is no necessity for police protection or the presence of a woman police officer. It is evident that the present petition has been filed by the plaintiff with mala fide intention to degrade and harass the respondent. Hence the petition may be dismissed with compensatory costs to the respondent.

4. The following point arise for consideration:-

- (i) Whether the petition can be allowed?
- (ii) Reliefs and Costs.

5. Heard both sides.

6. The point Nos.(i) & (ii):- The petitioner has filed the present petition seeking a direction to provide adequate police protection to the Advocate Commissioner for the purpose of completing the measurement and fixation of the boundary in respect of the plaint schedule property. It is submitted by the petitioner that though the Advocate Commissioner visited the property, the respondents obstructed the commission work. The interim report of the Advocate Commissioner also states that police protection is necessary for completing the measurement. The petitioner further submits that deputing only one woman police officer would not be sufficient to ensure effective protection and to maintain law and order, in view of the likelihood of obstruction by the respondents. On the other hand, the respondents contended that the plaint schedule property is situated near the beach, and on the day for the fixation of the boundary heavy rain occurred. Hence the property was filled with water and thereby the property was not amenable to measuring. Due to the reason, survey had to be postponed to the next date. Due to the heavy rainfall the survey notice could not be duly served upon the respondent. Obstructions stated in the interim report are false and denied. There is no necessity

for police protection or the presence of a woman police officer.

7. This court considered the rival submissions made by the parties. The Advocate Commissioner appointed by this Court has submitted an interim report. From the contents of the report, it can be seen that when the Commissioner and the Surveyor attempted to measure the properties in the presence of Adv. Anju for the plaintiff and Adv. Niraj for the defendant, the defendant along with a few strangers to the suit obstructed the commissioner from conducting the measurement work. The Commissioner has expressly stated that police protection is necessary for completing the measurement. The petitioner submits that deputing only one woman police officer would be insufficient to ensure effective protection as there is a likelihood of further obstruction and resistance from the respondents and their family, and that if protection is not granted, irreparable injury will be caused to him. In view of the findings in the interim report of the Advocate Commissioner, and in order to ensure that the commission appointed by this Court is able to discharge its duties effectively and without obstruction, this Court is satisfied that adequate police protection is absolutely necessary.

In the result, the petition is allowed.

- (a) The Station House Officer, Njarakkal Police Station, is directed to provide 2 additional police officers along with a woman police officer to give necessary protection to the Advocate Commissioner and the Surveyor for completing the measurement and boundary fixation work of the plaint schedule property. The police shall ensure that no obstruction is caused by any person, including the defendants or strangers to the suit, during the execution of the commission.**
- (b) Both parties shall extend full co-operation to the Advocate Commissioner for the completion of the commission work.**

(Dictated to Confidential Assistant, transcribed by her, corrected and pronounced by me in the open court on this the 25th day of November 2025).

Sd/-
Simi P Siju
Additional Munsiff

APPENDIX : Nil

Id/-
Additional Munsiff

//True Copy//

Additional Munsiff

ORDER

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O.S. No.118/2023

Dated : 25.11.2025