

IN THE COURT OF THE MUNSIFF, KOCHI

Present:

Sri. Nishad Ibrahim., Principal MunsiffMonday, the 13th day of January, 2025/23th Pausha, 1946**I.A No.5/2024 in O.S No.179/2021****Petitioner/Plaintiff:-**

	Iqbal C.H., aged 57 years, S/o. Hamza, Pooparambil House, C.C 13/438, (New No.9/176B), Mannali Viswanathan Road, Chullickal, Kochi – 682 005.
	By Advs. K.S. Sathis Babu & Nimmy Joseph

Respondents/Defendants:-

1.	Mohammed Rafeeq, aged 41 years, S/o. Azeez, C.C 9/175, Mannali Viswanathan Road, Chullickal, Kochi – 682 005.
2.	Nouffiya Rafeeq, aged 32 years, W/o. Mohammed Rafee, C.C 9/175, Mannali Viswanathan Road, Chullickal, Kochi – 682 005.
	By Adv. Dipu P.S.

This petition filed under Order XXVI Rule 9 r/w Section 151 of the Code of Civil Procedure, to appoint an advocate commissioner with the assistance of the District Survey Superintendent M.N. Ajayakumar and having been heard on 13.01.2025 and the court on the same day, passed the following:-

O R D E R

This is a petition filed by the plaintiff under Order 26 Rule 9 r/w Section 151 of Code of Civil Procedure to appoint an advocate commissioner with the assistance of the District Survey Superintendent M.N. Ajayakumar.

2. Heard both sides.

3. According to the petitioner, in mediation, the properties of the petitioner and the respondents were measured by the District Survey Superintendent and he had prepared a sketch and handed it over to the parties. Hence, according to the petitioner, the same surveyor may be appointed to fix the boundaries of the plaint schedule properties.

4. The respondents filed counter admitting the case of the petitioner that the plaint schedule properties were measured by the District Survey Superintendent. But, according to them, they believe that measuring the property by the District Survey Superintendent again will not provide justice to them as it is likely that the said surveyor may not deviate from the findings he had already made.

5. The above suit is one for fixation of the western boundary of the plaint A schedule property and for the recovery of possession of the plaint C schedule property among the other reliefs. Considering the above facts, I am of the view that an advocate commissioner is to be appointed. Considering the apprehension raised by the respondents, I am of the view that the Deputy Director of Survey and Land Records can be addressed to appoint a Taluk Surveyor to assist the learned commissioner.

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

1. Advocate Anitha N.K. is appointed as the Advocate Commissioner.

2. Office is directed to address the Deputy Director of Survey and Land Records to appoint a Taluk Surveyor to assist the learned Advocate Commissioner.
3. Pay batta Rs. 5,000/- to the learned commissioner and Rs. 3,000/- to the Taluk Surveyor.
4. Intimate the learned commissioner.

Pronounced by me in open court on this the 13th day of January, 2025.

Sd/-
Nishad Ibrahim
Principal Munsiff

APPENDIX:- Nil

Id/-
Principal Munsiff

///True Copy///

Principal Munsiff

bk/-
Compd.by:

**Order in
I.A No.05/2024 in
O.S No.179/2021
Dtd: 13.01.2025**