

IN THE COURT OF THE PRINCIPAL MUNSIFF, KOCHI

Present:

Sri. Nishad Ibrahim., Principal MunsiffSaturday, the 28th day of September, 2024/06th Ashwina, 1946.**I.A No.11/2024 in O.S No.344/2020****Petitioner/Plaintiff:-**

	Vimala, aged 90 years, W/o. V. Sheshagiri Pai, r/o House No.4/1100, MB Lane, North Cherlai, Mattancherry. Kochi -2.
	By Adv. A. Anilkumar

Respondents/Defendants:-

1.	Francis Xavier @ Savi, aged 69 years, S/o. Thomman, Valiyaparambil House, Maruvakad Muri, Chellanam Village. Kochi Taluk, Kochi – 682 008. (Died)
2.	Mary, aged 56 years, W/o. Francis Xavier, Valiyaparambil House, Maruvakad Muri, Chellanam Village, Kochi Taluk, Kochi – 682 008.
3.	Linda, aged 33 years, D/o. Francis Xavier, Valiyaparambil House, Maruvakad Muri, Chellanam Village, Kochi Taluk, Kochi -682 008.
4.	Tom, aged 29 years, S/o. Francis Xavier, Valiyaparambil House, Maruvakad Muri, Chellanam Village, Kochi Taluk, Kochi – 682 008.
	R1 & R2 by Adv. Nandakumar A. R3 & R4 Exparte

This petition filed under Order 26 Rule 9 of the Code of Civil Procedure, to appoint an advocate commissioner to measure the plaint schedule properties with the assistance of a qualified surveyor and to call for a report on the points

mentioned herein, and having been heard on 28.09.2024 the court on the same day, passed the following:-

O R D E R

Petition filed by the plaintiff under Order 26 Rule 9 of Code of Civil Procedure to appoint an Adv. Commissioner with the assistance of a qualified surveyor.

2. The respondent filed counter.
3. Heard both sides.
4. The above suit was instituted for fixation of boundary, mandatory injunction, recovery of possession and for Permanent Prohibitory Injunction.
5. The respondent/2nd defendant filed objection stating that the petitioner/plaintiff had failed to prove the genuineness of the documents.
6. Considering the nature of the suit, I am of the view that this petition is liable to be allowed for the just disposal of the disputes between the parties. Accordingly, the petition is allowed. Considering the rival contentions of the parties, I deem it fit to appoint the District Survey Superintendent to assist the learned Commissioner.

In th result,

1. Petition is allowed.
2. Advocate M.K. Murari is appointed as the Advocate Commissioner.

3. The District Survey Superintendent is appointed as the surveyor to assist the learned Commissioner.
4. Pay batta Rs. 5,000/- to the learned Advocate Commissioner, Rs.3,000/- to the District Survey Superintendent.
5. Intimate the learned Advocate Commissioner, the District Survey Superintendent and Deputy Director of Surveys .
6. For Commission Report – 28.10.2024.

Pronounced by me in open Court on this the 28th day of September, 2024.

Sd/-
Nishad Ibrahim
Principal Munsiff

APPENDIX:- Nil

Id/-
Principal Munsiff

///True Copy///

Principal Munsiff

**Order in
I.A No.11/2024 in
O.S No.344/2020
Dtd: 28.09.2024**