

IN THE COURT OF THE MUNSIFF, KOCHI**Present:****Sri. Nishad Ibrahim., Principal Munsiff**Thursday, the 09th day of October, 2025/ 17th Aswina, 1947.**I.A. No. 12/2025 in O.S. No. 344/2020****Plaintiff/Petitioner:-**

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| | Vimala, aged 88 years, W/o. Sheshagiri Pai, r/o. House No.4/1100, North Cherlai, Mattancherry, Kochi – 2. |
| | By Adv. A. Anilkumar |

Defendants/Respondents:-

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| 1. | Mary, aged 54 years, W/o. Francis Xavier, Valiyaparambil House, Maruvakkad Muri, Near Velankkannimatha Church, Chellanam Village, Kochi Taluk. |
| 2. | Linda, aged 33 years, D/o. Francis Xavier, Valiyaparambil House, Maruvakkad Muri, Near Velankkannimatha Church, Chellanam Village, Kochi Taluk, Kochi – 682 008. |
| 3. | Tom, aged 29 years, S/o. Francis Xavier, Valiyaparambil House, Maruvakkad Muri, Near Velankkannimatha Church, Chellanam Village, Kochi Taluk, Kochi - 682008. |
| | R1 by Adv. Padmini Devi C. R2 & R3 Exparte in the suit |

This petition filed under Section 151 of Code of Civil Procedure, to order police assistance including women police to the Advocate

Commissioner for completion of measurement of plaint schedule properties and also a direction to the Advocate Commissioner to measure the plaint schedule properties on the basis of re-survey records also and having been finally heard on 09.10.2025 and the Court on the same day, passed the following:-

ORDER

This is a petition filed by the plaintiff under Section 151 of Code of Civil Procedure to render police assistance to the learned Advocate Commissioner and also to direct the learned Commissioner to measure the plaint schedule properties on the basis of the Re-survey records.

2. The 2nd respondent filed counter.
3. Heard both sides.
4. According to the petitioner, the 2nd defendant had obstructed the commissioner and the surveyor from executing the commission warrant on 25/7/2025, and hence police assistance is necessary to carry out the inspection. The petitioner also requested to direct the learned Advocate Commissioner to measure the plaint schedule properties based on the Re-survey records stating that the Re-survey has been completed in the Chellanam Village a couple of year back and it was implemented also.
5. On the other hand, the 2nd respondent vehemently opposed the petition stating that the commission application for measuring the property

with the assistance of a Taluk Surveyor itself was silent about the documents based on which the property was to be measured. The learned counsel for the 2nd respondent also argued that it was not possible to measure the properties based on the Re-survey records.

6. It may be noted that the above suit was instituted inter alia for fixation of boundaries of the A schedule property (plaintiff's property) with that of the B schedule property (Defendent's property) and for recovery of the plaint C and E schedule properties from the 1st and 2nd defendants. IA 11/24 which was the commission application was allowed as early as on 28/09/24.

7. It is pertinent to note that the learned commissioner had filed an interim report stating that the 2nd defendant had obstructed them from conducting measurement of the properties.

8. Considering the nature of the suit and the interim report filed by the learned Advocate Commissioner, I am of the view that this petition is liable to be allowed.

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

1. The Station House Officer kannamaly Police station is directed to render necessary police assistance with women police to the learned Advocate Commissioner to execute the work.

2. The learned Advocate Commissioner is directed to measure the plaint schedule properties based on the Re-Survey records also.
3. Intimate the order to the Station House Officer concerned.

Pronounced by me in open Court on this the 9th day of October, 2025.

**Sd/-
Nishad Ibrahim
Principal Munsiff**

APPENDIX - Nil

**Id/-
Principal Munsiff**

///True Copy///

Principal Munsiff

**Order in
I.A. No.12/2025 in
O.S. No.344/2020
Dated: 09.10.2025**