

**IN THE COURT OF THE SUB JUDGE, MUVATTUPUZHA**

Present:- Sri. Aravind B. Edayodi, Sub Judge  
Friday, the 18<sup>th</sup> day of August 2023/27<sup>th</sup> Sravana 1945

**I.A. 06/2023 in O.S. 03/2018****Petitioners/Plaintiffs:-**

1. Sasi, Idumukkumkara House, N. Piramadom Kara, Onakkoor Village
2. Jalamma, W/o Sasi, Idumukkumkara House, N. Piramadom Kara, Onakkoor Village

By Adv. Varghese Mathew

**Respondents/Defendants:-**

1. Devaraj, Murikkunattu House, N. Piramadom Kara, Onakkoor Village
2. Sini, Murikkunattu House, N. Piramadom Kara, Onakkoor Village
3. Ammini, W/o Sivarajan, Idumukkumkara House, N. Piramadom Kara

By Advs. Joshy Joseph & Sheela V

This petition is filed under Section 151 of the CPC 1908 to remit back the commissioner report and plan.

This petition coming on for hearing on 14.08.2023 and the court on this day passed the following :-

**ORDER**

This is a petition filed by plaintiffs in O.S.3/2018 under Section 151 of the Code of Civil Procedure, to remit back commission report and survey plan, to file additional report and plan stating in the earlier report and plan, plaint schedule property is not properly identified for decision on merit.

2. Respondents/defendants did not file objection.
3. Both sides filed work memo.
4. From perusal of the earlier commission report and plan it could be seen that plaint schedule property is not at all identified as per relied title deeds, based on the right chronological order.

To decide the matter on merit commission report and plan are remitted back, to file an additional report and plan, for properly identifying plaint schedule property with sufficient description considering the work memos filed by the petitioners and respondents and also considering the directions states below:

1. Item No.1 property in Ext.A1 partition deed which is binding both sides shall be firstly identified based on the anterior deed.
2. Thereafter, B and C schedule properties in Ext.A1 partition deed shall be identified.
3. Thereafter, subsequent transfers from A,B,C schedule properties in Ext.A1 deed shall be identified based on the relied title deeds in chronological order. That means, the transfer from an item of property (A or B or C schedule properties in Ext.A1 partition deed) should be shown without taking property from the adjoining schedule properties in Ext.A1 partition deed.
4. ₹4000/- is fixed as batta of the commissioner for ascertaining matters as per the work memo filed by the plaintiffs and ₹2500/- is fixed as batta of the commissioner for ascertaining the matters as per the work memo filed by the defendants. For the assistance of doing the work as per work memo filed by the plaintiffs, the surveyor is entitled to ₹2500/- towards batta and he is entitled to ₹2000/- towards batta for ascertaining the matters as per the work memo filed by the defendants.

Dictated to Confidential Assistant, typed by her directly into computer, corrected by me and pronounced in open court on this the 18<sup>th</sup> day of August 2023.

Sd/-  
Aravind B. Edayodi  
Sub Judge

**Appendix : Nil**

Id/-  
Sub Judge

//True Copy//

(By Order)

Sheristadar

Copied by : stn/-  
Compd by : svb/-

Copy of Order in  
I.A. 06/2023 in  
O.S. 03/2018  
Dated:- 18.08.2023