

**IN THE COURT OF THE CIVIL JUDGE (SENIOR DIVISION),
MUVATTUPUZHA**

Present:- Sri. Atheek Rahman, Civil Judge (Senior Division)

Saturday, the 20th day of September, 2025 / 29th Bhadra 1947

I.A.No. 23/2025 in O.S No.83/2020

Petitioner/ Plaintiff:-

Shiny Benoy, aged 47 years,
Unnikoodaram Veetil, David Colony,
Chilavannoor Road, Kadavanthra P.O,
Ernakulam Village, Kanayannoor Taluk,
Ernakulam District from Kuttisrakkudy,
Pothanikkad Kara, Pothanikkadu Village,
Kothamangalam Taluk, Ernakulam District.

By Adv. Kannan Nair.

Respondents/Defendants:-

- 1 Leelamma Kuryan, Kuttisrakkudi,
Pothanikkadu Kara, Pothanikkad Village,
Kothamangalam Taluk, Ernakulam District,
Pin – 686671.
- 2 Shibu Isac, aged 48 years, S/o Isac,
Kuttisrakkudiyil Veedu, Pothanikkadu Kara,
Pothanikkad Village, Kothamangalam Taluk,
Ernakulam District, Pin 686671

- Addl Jimmy Scaria, Kuttisrakkudy,
R3 Tharuthala Kara, Vannapuram Village,
Mullaringadu P.O, Thodupuzha Taluk,
Ernakulam District, Pin – 685582.
- Addl Sherly Kurian, D/o Leelamma Kurian,
R4 Kavakkattu Ovunkal House, Marottichodu P.O,
Kalady Village, Ernakulam District.
- Addl Sheena Mathew, D/o Leelamma Kurian,
R5 Kuttisrakkudy, Pothanikkad Kara,
Pothanikkadu Village, Kothamangalam Taluk,
Ernakulam District.
- Addl Eldho Jacob Joy, aged 29 years,
R6 S/o Jacob Joy, Shys Villa, 401(11/326),
Tripunithura, Nadama Village,
Ernakulam District, Pin – 682301.
- Addl Elizabeth Shaiby Joy, aged 24 years,
R7 S/o Jacob Joy, Shys Villa, 401(11/326),
Tripunithura, Nadama Village,
Ernakulam District, Pin – 682301.

R1 – Died.

R2 – By Adv. Gigi Peter.

***Addl R3 – By Adv. K.A. Abid Ali, Ameen Bawa, Sheel V,
Basil Thankachan & Jesna Basheer.***

Addl R4 & Addl R5 – No Vakalath.

Addl R6 & Addl R7 – By Adv. K.R. Udayakumar.

This petition is filed under Order 26 Rule 1 of Civil Procedure Code to appointing an Advocate Commissioner. This petition is coming on for hearing on 20.09.2025 in the presence of the above counsel and the Court on the same day passed the following:-

ORDER

Both sides represented. Heard. Respondents submitted no objection to the petition. During hearing, learned counsel for R2 submitted, R2 may be permitted to file work memo.

Perused affidavit. I am satisfied that issuance of Commission is warranted. Hence, IA allowed. Adv. Kuruvila K K is appointed as commissioner to ascertain the matter enumerated on the commission application. Batta is fixed as Rs. 4000/- . Pay batta directly to Adv. Commissioner and filed memo. Adv. Commissioner is directed to ascertain the value of the building situated in the property if any. Further, commissioner is directed to issue notice to both sides before inspection. For commission Report. Call on 30.09.2025.

Sd/-

ATHEEK RAHMAN
CIVIL JUDGE(SENIOR DIVISION)

APPENDIX :- Nil

Sd/-

CIVIL JUDGE(SENIOR DIVISION)

Ss/-

Bmm/-

I.A.No.23/25
in OS 83/2020

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Order
in I.A. No.23/2025
in O.S. 83/2020
Dated: 20.09.2025