

IN THE COURT OF THE MUNSIFF OF KANNUR

Present: Smt. Vandana R., LL.M., Additional Munsiff

Friday, the 4th day of October, 2019/12th Aswina, 1941

IA.No.2863/19 In OS.No.530/16.

| | | |
|---|---|-------------|
| C.T. Yatheendradas, S/o. Raghavan, aged 68 years, |) | |
| 'Aparna', Kakkat, now residing at GM Nilayam, |) | Petitioner. |
| CHE-16/216, near Mahasiva Temple, Post Chovva, |) | |
| Kannur District. |) | |

Vs.

| | | | |
|---|---|---|--------------|
| 1 | T.P. Sreeshaj, S/o. Late Karunakaran, |) | |
| | aged 46 years, residing at Karuna Nivas, |) | |
| | Post. Chovva, Kannur. |) | |
| 2 | M.C. Rameshan, Father's name not known, |) | |
| | aged 52 years, Advocate, No.521, Trade Centre, |) | |
| | Yogasala Road, Kannur – 670001. |) | |
| 3 | P.P. Rajendran, S/o. T. Kunhikannan, |) | Respondents. |
| | aged about 66 years, Director, The Chovva |) | |
| | Educational Society, Post Chovva, |) | |
| | Kannur -670006. |) | |
| 4 | T.K. Gireeshan, S/o. T.K. Kumaran, aged 59 years, |) | |
| | Director, The Chovva Educational Society, |) | |
| | Post Chovva, Kannur -670006. |) | |
| 5 | T.K. Susheela, D/o. Govindan, |) | |
| | aged about 82 years, Thandayankandy House, |) | |
| | P.O. Chovva, Kannur-6. |) | |

- 6 T.K. Sumodh, S/o. T.K. Kumaran,)
aged about 55 years, Thandayankandy House,)
P.O. Chovva, Kannur-6.)
- 7 T.K. Hareesh Kumar, S/o. T.K. Sukumaran,)
aged about 48 years, Lab Assistant,)
Thandayankandy House, P.O. Chovva, Kannur-6.)
- 8 T.K. Sheena, D/o. T.K. Sukumaran,)
aged about 42 years, Thandayankandy House,)
P.O. Chovva, Kannur-6.)
- 9 Deepa Balakrishnan, S/o. A. Balakrishnan,)
aged 52 years, Krishna Deepam, Muzhappilangad,)
Kannur.)
- 10 C.T. Sudheendran, S/o. Late C.K. Raghavan,)
aged about 60 years, 4C, Sreerosh Willa on) Respondents.
Heighty, Anayiduku, Post Thana, Kannur -670012.)
- 11 T.P. Prakash, S/o. Late Kumaran,)
aged about 75 years, Thandarkandy House,)
Post Chovva, Kannur-670006.)
- 12 T.K. Jayaraman, S/o. T.K. KunhIRaman,)
aged 65 years, Director, The Chovva Educational)
Society, P.O. Chovva, Kannur – 670006.)
- 13 The Principal, Chovva Higher Secondary School,)
P.O. Chovva, Kannur- 670006.)
- Supplemental respondent:-
- 14 Valsala Kumar, S/o. Kumaran,)
Grandson of P.K. Bapu, 64 years, Business,)
Vishnu, Chovva, Kannur.)

This petition coming on 3rd day of October, 2019 for final hearing before me in the presence of Sri. M.K. Prasad, Advocate for petitioner and of S/Sri. K.K. Balaram, K. Babu, K.O. Prathap Nambiar & Dhanya N.P., Advocates for 1st respondent and of Sri. Pramod Krishnan, Advocate for 2nd respondent and of Smt. Kavitha G.,

Advocate for respondents No.3 to 11 and of S/Sri. P.K. Anwar & Shumla Das, Advocates for 12th respondent and of Sri. P.K. Mahash, Advocate for 13th respondent and of Sri. K. Shaju, Advocate for 14th respondent and having stood over to this day for consideration, the court passed the following:-

ORDER

Petition filed under Section 151 of C.P.C to appoint another Advocate Commissioner.

2. Petition averments in brief is as follows:- Petitioner is the 2nd defendant in the above suit. The petitioner contends that Advocate Commissioner is acting in favour and for the interest of party appearing by his erstwhile senior Advocate . The petitioner further states that interim report of Advocate Commissioner is undermining the judgment o Hon'ble High Court of Kerala in O.P (C) No. 3449/2017. It is further contended that inclusion of new members in the final voters list is an ultra vires act. Removal of 8 members who attended the general body in 17-8-1997 is also against the judgment of Hon'ble High Court.

3. Respondent No. 12 entered appearance and filed counter statement opposing the petition.

4. Heard both sides.

5. The main grievance of the petitioner is that the Advocate Commissioner has included new members in the voters list and also excluded 8 persons who attended the general body meeting convened on 17-8-1997. It is to be noted that the Hon'ble High Court has given specific direction to the Advocate Commissioner to prepare provisional

voters list and call for objection and then prepare final list after considering objection on merits. The objections can be filed by third parties also. It will be after considering those objections, the Advocate Commissioner might have prepared final list. The course adopted taken by the Advocate Commissioner can only be considered as the one taken to comply the order of Hon'ble High Court. The petitioner has no case that his name was excluded from the voters list . As per the order of Hon'ble High Court, the Advocate Commissioner was directed to conduct election in accordance with the provisions of byelaw . Report of the Advocate Commissioner shows that he had called for objection from the parties before preparing final voters list. It is further to be noted that, the Hon'ble High Court while disposing O.P (C) No. 3449/2017 has directed to complete the election process within 3 months. Merely raising vague allegation against the Advocate Commissioner cannot be entertained. No specific allegation is alleged in the petition against the Advocate Commissioner. Hence, I find no merit in the petition and is liable to be dismissed.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 4th day of October, 2019).

Sd/-
ADDITIONAL MUNSIFF.

mmh/-

**Carbon Copy of
Order in IA.2863/19
in OS.530/16
Dated. 04/10/2019.**

