

**IN THE COURT OF THE MUNSIFF OF KUTHUPARAMBA**

Present:- Smt. Athira Nair, Munsiff.

Friday, the 22<sup>nd</sup> day of August, 2025/ 31<sup>st</sup> Sravana, 1947.

**IA No.5/2025 IN OS 15 OF 2018.**

1.	Karakkal Eliyamma Chakko, W/o.Chako(Late), Aged 70 years, No occupation, Karakkat House, Ayyamkunu, amsom and desom, (PO) Kiliyanthara, Iritty Taluk, Pin 670 706.	] ] ] ] ] ] ]	Petitioners/ Plaintiffs
2.	Joseph Chakko Karakkat, S/o.Chakko (Late), Aged 45 years, Driver, Karakkat House, Ayyamkunnu amsom and desom, (PO) Kiliyanthara, Iritty Taluk, Pin 670 706.	] ] ] ] ]	
Vs.			
1.	Vattakunnel Babu, Aged about 53 years, Vattakunnel House, Coolie, Ayyamkunnu amsom and desom, (PO) Kiliyanthara, Iritty Taluk, Pin 670 706.	] ] ] ]	Respondents/ Defendants
2.	The Tahasildar, Iritty, Iritty Taluk, (PO) Iritty, Pin 670 703.	] ] ]	
3.	The Village Officer, Ayyamkunnu Village, (PO) Angadikkadavu, Pin 670 706.	] ] ]	

This petition coming on 21<sup>st</sup> day of August, 2025 for final hearing before me in the presence of S/Sri.K.V.Pavithran, A.P.Manojkumar and Jithin S. Sundaran, Advocates for the Petitioners ; of Sri.K.Mukundan, Advocate for the Respondent No.1 ; Adv. Aswathi.E, Government Pleader for the Respondent No. 2 and 3 and having stood over for consideration till this day; the court passed the following:-

**ORDER**

This is a petition filed under Order XXVI Rule 10(2) of Code of Civil Procedure, 1908.

2. The petitioner is the 2<sup>nd</sup> plaintiff in the original suit. The suit relates to a declaration and an injunction. The land adjacent to the property listed in the plaint schedule was taken into possession by the Government as excess land. Subsequently, some portions of this excess land were trespassed upon by neighbouring landowners. Thereafter, the defendants claimed rights over the plaint schedule property to recover their loss. However, the defendants have no such rights. A commissioner was appointed by the petitioner to measure the property according to the earlier plan. Nevertheless, the commissioner submitted a plan depicting the surrendered land in accordance with Plan No. H 3-41607/10, which shows a total extent of only 56.5 cents. The land was acquired in 1995. At the time of possession, a plan was prepared by Village Officer Ayyamkunnu. Therefore, it is necessary to measure the property according to the plan created at the time of acquisition. The plan prepared by Village Officer, Ayyamkunnu during that period has already been submitted before this court. Considering that the property can only be accurately identified with the original 1995 plan, this court deems it essential to remand the commissioner's report for further measurement based on that plan. Accordingly, this court directs that the commissioner's report and plan be remitted to the same commissioner. The petitioner shall pay ₹.4,000/- (Rupees Four Thousand only) to the commissioner. The Honourable High Court of Kerala has issued a time-bound order to dispose of this matter within five months. Therefore, the commissioner shall make every effort to file

the report within three weeks from the date of this order. Village Officer Ayyamkundu is directed to provide necessary assistance to the commissioner. The petitioner shall also pay ₹.3,000/- (Rupees Three Thousand only) to Village Officer Ayyamkundu as his batha. Sri. Chandran is deputed to provide the necessary survey assistance to the commissioner, and the petitioner shall pay ₹.3,000/- (Rupees Three Thousand only) to the surveyor as his batha. The filing of the Commissioner's report is to be completed on or before 24.09.2025.

(Dictated to Adalat-AI, arranged in proper form by Confidential Assistant, corrected and pronounced by me in open court on this day, the 22<sup>nd</sup> day of August 2025).

APPENDIX:- Nil.

Sd/-  
**M U N S I F F**

Sd/-  
**M U N S I F F**

*kps.*

**Fair/Copy of Order  
IA No. 5/2025 in  
OS No. 15 OF 2018.  
Dated : 22-08-2025.**