

IN THE COURT OF THE MUNSIFF, PALA
Present Sri. Hasheem S, Munsiff, Pala

Monday, 16th day of March, 2026
25th day of Phalguna, 1947

I.A No.2/2026 IN O.S No. 223/2025

Petitioner/
Defendant/s :-

George Joseph, aged 57 years,
S/o Joseph, presently residing at
Door No.21/2 40C2, Njalakam,
Thrikkakara North, Pin- 682022

By Adv. Rejivue K. C, Adv. Jisha G. Raj &
Adv. Paul Jose

Respondent/
Plaintiff/s :-

Jose Antony, aged 53 years,
S/o Antony, residing at
Vezhambasseriyil House,
Koorali P. O., Elamkulam Kara,
Elamkulam Village, Pin- 686522

By Adv. Biju Zacharias Kolady &
Adv. Kanther C. Akkakunnel

This application has been finally heard on 16.03.2026 and
the court on the same day passed the following:-

O R D E R

This is a petition filed by the petitioner/defendant under Order 26 Rule 9 and Section 151 of CPC for appointing an Advocate Commissioner to ascertain the matters mentioned in the petition.

2. **The averments in the affidavit accompanying the petition are as follows:-** The suit is filed recovery of money. According to the petitioner, the plaintiff has committed breach of contract and has caused substantial damage to the defendant's property. The agreement between the plaintiff and the defendant was for a period of 10 months from 24.05.2024 to 24.03.2025 for an amount of ₹80 lakh. After paying an advance amount of ₹2.5 lakh, the plaintiff has cut down teak and other trees worth ₹2 lakh and excavated and removed the stones worth ₹3 lakh and thereby the plaintiff had made an illegal enrichment and caused damages to the defendant. Due to the acts of the plaintiff, the value of the assets significantly depreciated. The new agreement for sale of the scheduled property is for a total consideration of ₹57,50,000/-. The plaintiff has claimed that he has

levelled and developed the schedule property and divided it into plots, which are false and hence denied by the petitioner/defendant. The plaintiff also claimed that there were no other trees other than nutmeg trees and he has not cut down it. The plaintiff further claimed that there was no structural foundation/plinth beam with rubble masonry in the schedule property which laid for constructing house and that the plaintiff has not excavated and removed any stones or destructed any constructions. Hence, for the proper adjudication of the suit, it is necessary to appoint an Advocate Commissioner to enumerate the matters mentioned in the petition.

3. No objection was filed.

4. Heard.

5. Going through the pleadings and petition, I am satisfied that appointment of a Commissioner will definitely be advantageous for the proper adjudication of the matters in dispute. Hence, the petition is to be allowed to enumerate the matters mentioned in the petition.

6. **In the result**, the petition is allowed as follows;
1. Adv. Sanju Raju, is appointed as the commissioner in this case to ascertain the matters sought for in this petition.
 2. The petitioner shall pay the commission batta of ₹4,000/- directly to the commissioner.
 3. The Advocate Commissioner shall give notice to both parties before inspection and file the CR within seven days.

Dictated to the Confidential Assistant, transcribed and typed by him, corrected by me and pronounced in open court, on this the 16th day of March 2026.

Sd/-
HASHEEM S
MUNSIFF

APPENDIX:- NIL

Id/-
MUNSIFF

Copied By: Biju
Comp. By : Sherina

//True Copy//

Sd/-
HASHEEM S
MUNSIFF