

**IN THE COURT OF THE MUNSIFF, ETTUMANOOR**

**Present: Miss. Annu Mary Jose., Munsiff**

Monday, the 16<sup>th</sup> day of March, 2026  
25<sup>th</sup> day of Phalguna, 1947

**IA.No.4/2024 in OS. No. 147/2022**

**Petitioner:**

Sheenakumari, aged 38,  
W/o. Santhosh K. Thankachan,  
Karimbil Veedu, Karappuzha Kara,  
Karappuzha P.O., Kottayam Village,  
Kottayam Taluk.

By Adv. M.C. Scaria.

**Respondents/Defendants:**

1. Biju, aged 50, S/o. Damodaran ,  
Naduviledathu House,  
Arpookara Village, Villoonni P.O.,  
Kottayam Taluk.
2. Jayakumari, aged 55,  
D/o. Kumaran, Mathirappally House,  
Arpookara Village, Arpookara Kara,  
Villoonni P.O., Kottayam Taluk.

By Adv. George V. Thomas & Adv. Biby John.

This petition has come up for hearing on 20.02.2026 and  
the court on 16.03.2026 passed the following:-

**O R D E R**

This application is filed by the plaintiff to set aside the commission report and plan filed by the Advocate Commissioner.

**2. The averments in the affidavit filed in support of the application in brief are as follows:-** The petitioner is the plaintiff in the above case. The commission report and plan filed are erroneous, and the same cannot be accepted. It was directed to measure the plaint schedule item no.1 property as per deed no.3281/1978 and old survey plan, but the commissioner had not measured the property as per the old survey plan. The Advocate Commissioner had not ascertained the property which the plaintiff obtained as per the deed no.1186/2019 of Ettumanoor SRO. The Advocate Commissioner and surveyor had measured the properties as per resurvey plan only to help the defendants. Hence it is prayed to allow the application.

**3. The respondents/defendants filed objection contending as follows: -** The application is not maintainable. The property is not described by side measurements in the

prior deed and no such subdivisions are available in the old survey plan. The old survey plan was not produced before the court. The allegation that the 4.05 Ares of property claimed to be obtained by plaintiff by virtue of deed no.1186/2019 is also not plotted in the plan is not correct. The plaintiff has acquired only 3.50 Ares of property by virtue of deed no.1186/2019. The property in possession of plaintiff was measured by the surveyor and plotted in the plan and the extent which shown in her possession is 3.85 Ares which is much more than what she acquired by deed no.1186/2019. The commissioner and surveyor had measured the property as per title deeds, resurvey plan and based on possession. Hence it is prayed to dismiss the application.

**4.** Heard. Perused the records.

**5.** PW1 and PW2 were examined. Commission report were marked as Ext. C1 and C1(a).

**6.** The points that arise for consideration are: -

1. Whether commission report dated 05.08.2024 is liable to be set aside?
2. Reliefs and costs?

**7. Point no.1:-** It is the case of the plaintiff that the Advocate Commissioner and Surveyor had not measured the properties properly. They did not consider the old survey plan for measuring the item no.1 property and plaintiff item no. 3 property was not measured. Hence the same cannot be relied upon. Per contra the defendants would contend that the commission report and plan were prepared after verifying the title deed, prior deed and survey plan also. Hence the commission report and plan are not liable to be set aside.

**8.** The learned counsel for the plaintiff submitted that the properties ought to have been measured as per old survey plan and deed no. 3281/1978. Since the properties were not measured as per the above document, the commission report and plan have to be remitted back. The extent of the plaintiff schedule item no.1 property shown in the plan and report is incorrect. The learned counsel for the defendants submitted that all the documents were verified and the commission report and plan were prepared as per the title deed and prior deeds. The counsel further contended that merely the plan and report

are not favourable to the plaintiff is not a ground to set aside the same.

**9.** The commissioner was examined as PW2. A reading of evidence of PW2 would show that she had verified the title deed, prior deed and old survey plan and properties were measured as per the title deeds and prior deeds of the plaintiff. She would also depose that the property in the possession of the plaintiff is shown in the plan and report but, the property as per title deed is not shown. The surveyor was examined as PW1. He would depose that the portion taken for the way was also shown. He would also depose that he had shown the properties in the possession of plaintiff. He clarified that he had verified the title deed, old survey plan, and resurvey plan for measuring plaint item no.1 property.

**10.** The main dispute of the petitioner is that the Advocate Commissioner and Surveyor had measured the properties without verifying the prior deed no.3281/1978 of Ettumanoor SRO. It is also contended that item no.1 property was not measured as per the old survey plan. A perusal of Ext.C1 and C1(a) commission report would show that the

surveyor and the commissioner had verified the prior deed no.3181/1978 of Ettumanoor SRO, old survey plan and resurvey plan. It would also show the extent of property in the possession of the plaintiff is also shown in the plan. It is also to be noted that they were not directed to measure plaint item no.3 property. A perusal of Ext.C1 and C1(a) would show that the property is the possession of the plaintiff as per old survey, re-survey are shown in the plan. The property which is in the possession of the plaintiff, which is not in the possession of the plaintiff are also shown. The evidence of PW1 and PW2 would also show that they had verified the above records. There is no need to set aside the commission report and plan. Hence the application is liable to be dismissed.

**11. Point no.2:** In the result, the application is dismissed. No order as to costs.

*(Dictated to the Confidential Assistant, transcribed and typed by her corrected by me and pronounced in open Court on this the 16<sup>th</sup> day of March, 2026)*

**Sd/-  
Annu Mary Jose  
Munsiff**

**APPENDIX:**

**Exhibits marked for the Petitioner: Nil.**

**Exhibits marked for the Respondents: Nil.**

**Third Party Exhibits : Nil.**

**Court Exhibits:**

C1      05.08.2024      Commission report filed by  
Adv. Saritha Hari V.H.

C1(a)    05.08.2024      Survey plan prepared by  
Harish P. Gopal, Surveyor filed  
along with C1 report.

**Witness examined for Petitioner:**

PW1      16.09.2025      Harish P. Gopal.

PW2      27.10.2025      Saritha Hari V.H.

**Witness examined for Respondents : Nil**

**Court Witness : Nil**

Copied by :  
Compared by :

**Sd/-  
Annu Mary Jose  
Munsiff**