

IN THE COURT OF THE MUNSIFF-MAGISTRATE, PATTAMBI
Present:- Smt.Neema Noor Mohamed, Munsiff-Magistrate
Saturday, the 29th day of November, 2025/ 08th Agrahayana, 1947 S.E.
I.A. No.868/2024 IN
ORIGINAL SUIT No.31/2018

Between:-

Muhammed, S/o.Kunhalavi,
Kanjirakkadavath House,
Vilayur Amsom,
Karinganad Desom,
Pattambi Taluk.

: Petitioner
Plaintiff

And:-

Mammukutty,
S/o.Ponneri Alavu Haji,
Kulukkallur Amsom,
Chundampatta Desom,
Pattambi Taluk.
Manager Balasubodhini L.P. School,
Vilayur.

: Respondent
Defendant

This petition coming on this day for final hearing before me in the presence of Sri. T.K.Sankaran and Sri.Jinesh.K, advocates for the petitioner and of Sri.K.T.Krishnadas, advocate for the respondent and this court on the same day passed the following.

ORDER

Both sides represented. This application is filed to set aside the commission report and appoint new Advocate commissioner as the petitioner/plaintiff submit inconsistent reports have been filed as to the extend in the 'B' schedule thereby doubting biasness from the side of present Advocate commissioner.

2. Objection was filed by respondent vehemently opposing the allegations against Advocate Commissioner stating it is baseless.

3. Firstly we need to look into the relief sought by this plaintiff/petitioner in the suit, which is permanent prohibitory injunction. The defendant/respondent has filed written statement specifically denying the very identity and extend of 'B' schedule

property. Hence what can be understood is that the petitioner/plaintiff is attempting to collect evidence through Advocate Commissioner so as to establish his claim, which absolutely is not the purpose of appointing advocate commissioner under order.26. This was lucidly explained in ***Thomas vs. Joseph 2024 KLT 640***. Where it held that is the burden is on the plaintiff to adduce oral/and documentary evidence to prove his case.

4. Hence in the light of this observations, in a suit for permanent prohibitory injunction I am not inclined to allow this application at this stage. If the evidence adduced compels an introspection of the Commission Reports filed, the petitioner is at liberty to revive this application . IA closed for the time being.

Pronounced by me in open court, this the 29th day of November, 2025.

Sd/-
Munsiff.

Witness examined & Exhibits marked on both sides : Nil

Sd/-
Munsiff.

Copied by : Sulochana.M
Compared by : Sivadasan.M.V.

(True Copy)

Munsiff

Fair/Copy of Order
I.A.No.868/2024
in O.S.No. 31/2018
Dated: 29.11.2025