

IN THE COURT OF THE MUNSIFF OF ALATHUR

Present:- Sri.Binu.P., Munsiff, Alathur

Saturday 25th of October, 2025(03rd day of Karthika, 1945 S.E)

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ORIGINAL SUIT No.185/2007

Ismail, aged 76 years, S/oKunjappu @ Kunjali,
residing at Padathu house, Athipotta desam,
Tharur amsam, Alathur Taluk, Palakkad District.

} Plaintiff

Vs.

Yousaf, aged 68 years, S/o Kunjil @ Kunji Hajiyar,
residing at Nellippadam, Vavulyapuram amsam desam,
Alathur Taluk, Palakkad District.

} Defendant

This petition is coming on this day for hearing before me in the presence of Sri.R.Manikandan and Sri.K.Nandakumar, Advocates for the petitioner and this Court passed the following.

ORDER ON REMITTANCE OF COMMISSION REPORT

The present suit was once decreed by this court, against which an appeal was preferred. The judgment and decree passed by this court set aside by Hon'ble District Court, Palakkad in A.S. 48/2014 the matter was remanded back to this court for fresh consideration after giving an opportunity to the parties to take steps for re-measurement and identification of the plaint schedule property with specific direction to appoint an Advocate Commissioner with the assistance of a competent Surveyor to measure and identify the plaintiff's property on the basis of Exhibit A1, A2 and A3 and document No. 1528/1999 and that of the defendants property on the basis of partition deed No.1478/1972 and Exhibit B1 document.

Pursuant to the said direction as per order in IA.290/2020 Advocate Commissioner and Surveyor were appointed . The commission report was filed on 13/02/2023 and thereafter further evidence adduced and heard both sides.

Upon consideration of the Commission Report and plan, it is evident that the measurement has not complied with the specific directions of the Hon'ble appellate court. The report does not show that the measurement was carried out based on Exhibit A1 to A3 and document No.1528/1999 and document No.1478/1972 and Exhibit B1.

In the view of the non compliance of the explicit directions issued by the Hon'ble appellate court, the commission report is here by remanded back to the Commissioner. The Commissioner is directed to carryout a fresh measurement of the property in accordance with directions containing in the appellate court's judgment, after verifying and relaying upon the documents specified in the said judgment.

The Commissioner shall file a fresh report and plan with in 15 days from the date of this order.

Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court this the 25th day of October, 2025

Munsiff

APPENDIX : NIL

Munsiff

Fair/ Copy of Order for
Remittance of C.R. in
O.S.No.185/2007
Dated: 25.10.2025