

## IN THE COURT OF THE MUNSIFF, ADOOR

Present: Smt. Sherin Y.T, Munsiff.

Tuesday the 24<sup>th</sup> day of February, 2026  
5<sup>th</sup> day of Phalguna, 1947 (S.E)IA No.1/2026 in O.S. No.411/2011

Between:-

- |   |  |                  |                            |
|---|--|------------------|----------------------------|
| 1 | Jose Pappachan, aged 70 years,<br>Gilead Bhavan, Karuvatta Muri,<br>Peringanad Village, Adoor Taluk.                       | }<br>}<br>}      | Petitioners/<br>Plaintiffs |
| 2 | Sosamma Jose, aged 67 years,<br>W/o. Jose Pappachan,<br>Gilead Bhavan, Karuvatta Muri,<br>Peringanad Village, Adoor Taluk. | }<br>}<br>}<br>} |                            |

(By Adv. Sanal George)

And:-

- |   |   |             |                            |
|---|---|-------------|----------------------------|
| 1 | State of Kerala,<br>represented by the District Collector,<br>Collectorate, Pathanamthitta. | }<br>}<br>} | Respondents/<br>Defendants |
| 2 | Tahsildar, Taluk Office, Adoor.   | }           |                            |
| 3 | Resurvey Superintendent,<br>Re-survey Superintendent Office,<br>Revenue Tower, Adoor.       | }<br>}<br>} |                            |

(By Adv. Alexander Philip, AGP)

This petition is coming on for hearing on 24.02.2026 and on the same day the court passed the following:

**ORDER**

This is the petition filed to review the order in IA 2/2022. Heard both sides. This petition is filed to review the order in IA 2/2022 dated 04.07.2022.

IA 2/2022 is filed by the plaintiff who is the present petitioner, to appoint an Advocate Commissioner and surveyor. There by my learned predecessor after hearing both sides allowed IA 2/2022 on 04.07.2022 and appointed Advocate Jayanandan and Smt Ushakumari as Advocate Commissioner and surveyor.

In the present petition the petitioner contented that as per judgment in AS 37/2017 the Hon'ble District Court directed the court to appoint the earlier Advocate Commissioner and surveyor, but since earlier counsel was not well, the matter was overlooked by the counsel and failed to bring the notice of the court. According to the petitioner, the order in IA 2/2022 was passed without hearing the petitioner.

It is true that in the judgment in OS 37/2017, the Hon'ble District Court directed this court to appoint the same commissioner and surveyor if available to identify and measure the plaint schedule property. But it has to be noted that the Hon'ble court also held that if the earlier Advocate Commissioner and Surveyor is not available, the court can depute a fresh commissioner and surveyor.

On verification of order in IA 2/2022 dated 04.07.2022, it can be seen that the court heard both sides and appointed an Advocate Commissioner and Surveyor. It has to be noted that in IA 2/2022, there is no prayer for appointing the same commissioner. The order in IA 2/2022 is silent about the availability of the earlier Advocate Commissioner and surveyor.

So it is not known whether the Advocate Commissioner and surveyor is

available at that time.

But my learned predecessor after hearing both sides appointed a new Advocate Commissioner and Surveyor. Thereafter the commission report was filed on 26.06.2024. Thereafter many posting given to the plaintiff, but he failed to file any objection to commission report.

This petition is filed after 3 years of order in IA 2/2022, that too after 1<sup>1/2</sup> years after filing of commission report. Now the case is listed for trial. I am of the opinion that this petition is filed only to delay the matter. The reason stated for reviewing the Order in IA 2/2022 is not at all sustainable. It is not at fair to review the appointment of Advocate commissioner and Surveyor after filing commission report. The case is of the year 2011 and if the petition is allowed it will cause delay in the disposal of case. Hence I don't think there is any reasonable ground to review the order in IA 2/2022. Hence petition is dismissed.

Pronounced by me in Open Court on this the 24<sup>th</sup> day of February, 2026.

Sd/-  
SHERIN. Y.T,  
MUNSIFF.

Appendix:- Nil

Id/-  
MUNSIFF.

Typed by: Saji.K  
Compared by:

Fair/Copy of Order in  
IA 1/2026 in O.S No.411/2011  
Dated: 24..02..2026.