

IN THE COURT OF MUNSIFF, THIRUVALLA

Present:-Sri. Aravind.S.J, Munsiff.

Wednesday the 11<sup>th</sup> day of March 2026/ 20<sup>th</sup> day of Phalguna 1947 SE.

**Rest. Petition 16/2025 in OS 99/2017**

BETWEEN

A.V.Mathew, Varampinakathu Veetil,  
Valanjavattom P.O, Kadapra Village,  
Thiruvalla Taluk now residing at Plot No. 60,  
Kumaranasan Nagar, Kadavanthara P.O,  
Ernakulam.

Petitioner  
Plaintiff

(By Adv. V.A.Joseph)

AND

1. Pennamma Kochucherukkan (Died),  
Padarathil Payyankeril, Valanjavattom  
Muriyil, Kadapra Village, Thiruvalla Taluk
2. Mariyamma Chacko (Died), Varambinakathu  
Malikinattukara Manalil, Valanjavattom  
Muriyil, Kadapra Village, Thiruvalla Taluk.
3. Kochukunju Varghese, Varambinakathu  
Malikinattukara Manalil, Valanjavattom  
Muriyil, Kadapra Village, Thiruvalla Taluk
4. K.V.Thomas @ Ani Varambinakathu  
Malikinattukara Manalil, Valanjavattom  
Muriyil, Kadapra Village, Thiruvalla Taluk
5. K.V.Varghese @ Raju, Varambinakathu  
Malikinattukara Manalil, Valanjavattom  
Muriyil, Kadapra Village, Thiruvalla Taluk
6. Jiji, Varambinakathu Malikinattukara Manalil,  
Valanjavattom Muriyil, Kadapra Village,  
Thiruvalla Taluk
7. K.V. Kevin (Minor), rep by his mother Jiji,  
Varambinakathu Malikinattukara Manalil,  
Valanjavattom Muriyil, Kadapra Village,  
Thiruvalla Taluk.

Respondents  
Defendants

- 8 K.V.Kesiya (Minor) rep by her mother Jiji, Varambinakathu Malikinattukara Manalil, Valanjavattom Muriyil, Kadapra Village, Thiruvalla Taluk
- Addl. 9. Usha P.K, aged 61, Pathil Veedu, Kidangara P.O, Changanassery.
- Addl. 10. Shaji.M.K, aged 59, Padarathil Payyankeril, Valanjavattom P.O, Thiruvalla.
- Addl. 11. Kochumol.K.K, aged 57, Kuttiyil Veedu, Edasserimala P.O, Aranmula.

(Adv. Shijimol. M.Mathew)

This petition is filed under order 9 Rule 9 Section 151 of the Code of Civil Procedure.

This petition having been finally heard on 28.02.2026 and stood over for consideration on 11.03.2026 and on the same day the court passed the following:-

### **ORDER**

Petition filed to restore the suit. The suit was dismissed for default on 04.02.2025. It is contended that the suit is for fixation of boundary and that deputing as Advocate commissioner and surveyor is necessary and that the 1<sup>st</sup> defendant died and the petitioner came to know about the death only on 04.02.2025. The respondent 3 to 5 filed objection contending that the petitioner did not even file as petition to depute as Advocate commissioner and surveyor so far and that the present petition is filed only to harass the respondents.

2. Heard both sides

3. The suit was dismissed for default on 04.02.2025 and the present petition is filed on 01.03.2025 and is thus filed within the period of limitation . This is the 1<sup>st</sup> petition for restoration of the suit. There is nothing to show that the petition is filed without bonafides. It is always in the interest of justice that a suit is decided on merits.

I am of the opinion that an opportunity can be granted to the plaintiff to contest the case on merits. However, the inconvenience caused to the other side must be considered and the same can be compensated in terms of money. Thus the IA allowed on payment of costs of Rs. 2000/- to respondents 3 to 5 on or more 21.03.2026. For payment of costs to – 23.03.2026.

Pronounced by me in open court, this the 11<sup>th</sup> day of March, 2026.

Sd/-

ARAVIND S.J  
MUNSIFF.

APPENDIX

NIL

Id/-

MUNSIFF

Dated 11.03.2026