

IN THE COURT OF THE MUNSIFF OF CHAVAKKAD

PRESENT:- Dr. Aswathy Asok., Munsiff

Tuesday, the 17th day of June, 2025/27th Jyeshtham, 1947 SEE.P. 329/2016 in O.S 2181/2014Decree Holder/Petitioner:-

Vikas Funds & Kuries (Private) Limited Represented by Managing Director Jose, Aged 65 years, S/o Kunnamkulath Inasu, Kizhakke Kotta Desom, Chembukkavu Village, Thrissur Taluk.

(By Adv. Akthar Ahammad)

Judgment Debtors/Respondents:-

1. Sanimon, Aged 39 years, S/o Late Thottupurath Sankaran, Pallipuram Desom, Valappad Village, Chavakkad Taluk.
2. Ponnikutty, Aged 74 years, W/o Late Sankaran, Pallipuram Desom, Valappad Village, Chavakkad Taluk.
3. Prasannakumari, Aged 45 years, D/o Late Sankaran, Pallipuram Desom, Valappad Village, Chavakkad Taluk.
4. Bindu, Aged 39 years, D/o. Late Sankaran, Pallipuram Desom, Valappad Village, Chavakkad Taluk.
5. Sajeevan, Aged 40 years, S/o. Late Sankaran, Pallipuram Desom, Valappad Village, Chavakkad Taluk.

(JD1- By Adv. Geofy George)(JD2- No more)
(JD3 to JD5- Exparte)

The petition having come up for hearing before me, the court passed the following:-

ORDER

E.P. is for the recovery of money by the sale of the property of the judgment debtors. On production of the Draft sale proclamation, fair value certificate and encumbrance certificate, the court, during the settlement of the proclamation, had directed to produce fresh draft sale proclamation including only one are of property, as it was found only necessary to satisfy the decree debt. Accordingly, the decree holder filed E.A 157/2022 to appoint an advocate commissioner with the assistance of

a surveyor to demarcate one acre of property from the E.P schedule property, which was allowed. Accordingly, the advocate commissioner filed the commission report and sketch.

2. The decree holder filed objection to the commission report, contending that though the commissioner has reported in the commission report that there is a beaten track and pond situated near the property, the commissioner has not demarcated the way in the sketch.

3. Heard the decree holder and perused the commission report and the sketch.

4. On the perusal of the commission report and sketch, it is found that, as rightly contended by the decree holder, the way noted by the commissioner in the report has not been shown in the sketch. Hence, I am of the opinion that the commission report has to be remitted back to the commissioner to locate and mark the way as reported in the report in the sketch and file a fresh commission report.

In the result,

1. *The commission report is remitted back to the same commissioner for the purpose noted above, and the commissioner shall file a fresh CR*
2. *Pay batta of Rs.4,000/- to the commissioner.*
3. *For CR to 11.07.2025.*

(Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in Open Court on this the 17th day of June, 2025).

Sd/-

Dr. Aswathy Asok
Munsiff, Chavakkad.

kvp
cg

APPENDIX:NIL

Id/-

Munsiff, Chavakkad

///True Copy///

Munsiff , Chavakkad

