

**IN THE COURT OF THE DISTRICT MUNSIF,  
ERANIEL.**

**Present: Thiru. S. Jothi Kailash, B.A., B.L.,  
District Munsif, Eraniel.**

**Wednesday, the 16<sup>th</sup> day of July 2025.**

**I.A.No.10/2025**

**in**

**O.S.No.40/2024**

M. Lawrence Kennady

... Petitioner/Plaintiff

Vs.

1.Deva Sahayam

2. Mariya Yesudhasan

... Respondents/ Defendants

This petition is coming before me for final hearing on 27.06.2025 in the presence of Mr. A. John Soundar, learned counsel for the Petitioner/Plaintiff and Mr.K. Sahayadhas, learned counsel for the Respondents/Defendants, on perusal of the records stood over for consideration till this day, this court passed the following:-

**ORDER**

1. This petition is filed under Section 151 CPC seeking an order to receive objection filed by the Plaintiff to the Commissioner's report and plan.

2. The petitioner has filed this petition to receive their objections to the commission report, along with an affidavit stating that he was affected much in health and mental condition due to the several kinds of nuisance in the plaint B pathway after filing this suit and due to his ill-health, he was unable to file their objection in time. Hence this petition.

3. The Respondent has filed counter denying the objection stated by the petitioner to the Commissioner report. Adding to the objections, the respondent contented that no nuisance was caused by the respondent. At any point of time and the petitioner by suppressing the pathway being used by him on the north of his house has filed this frivolous and vexatious suit with false averments and these respondents are very much suffering, both physically and mentally after filing of the suit. Respondent further contented that the Commissioner has filed the report on 06.09.2024 and during that time the court has granted sufficient time to the parties to file the objection. The respondents has filed their objection on time, but the petitioner have failed to file the objection within stipulated time and filed the present petition at this stage with Inordinate delay and stated that No prejudice would be caused to the petitioner if the petition is not allowed. The petitioner with an evil motive to prolong the suit has filed this petition. Hence, prays for this dismissal of this petition.

4. The point to be considered is whether the Petitioner/Plaintiff is entitled to the relief as prayed for or not ?

5. Petitioner has filed under Section 151 of CPC to receive the objection to the commissioner report. As rightly contended by the respondent opportunities were given to the petitioner to file his objection to the Commissioner report, but the petitioner failed to do so and has filed this petition at trial stage. The reason stated by the petitioner for the delay was that due to that nuisance caused by the respondent the petitioner was affected with mental and health condition and due to that ill health and sickness was unable to file the objection to the commissioner report on time. But no medical evidence were produced by the petitioner to substantiate his plea. Though the court is not satisfied with the reasons stated by the petitioner, this court, considering circumstances of the case, giving opportunity to both parties to rely and object The Advocate commissioners report will ensure fair trial. Hence, from the above discussion, this court is inclined to allow this petition in terms and the petitioner is here by directed to pay Rs. 1,000/- (Rupees One Thousand Only) to the petitioner on or before 28.07.2025 and the next hearing is on 29.07.2025.

Dictated to the Typist, transcribed and typed by her in Computer, corrected and pronounced by me in Open Court this, the 16<sup>th</sup> day of July, 2025.

Sd:/

District Munsif ,  
Eraniel.

Petitioner side witnesses & documents:- Nil

Respondents side witnesses documents :- Nil

Sd:/

District Munsif,  
Eraniel.

**D.M.Court, Eraniel.**  
**I.A.No.10/2025 in**  
**O.S.No.40/2024**  
**Draft/Fair Order**  
**Dated: 16.07.2025**