

Thomas George Vs. Sasikumar

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Court : Kerala

Decided On : Jul-18-2014

Judge : Honourable Mr.Justice V.Chitambaresh

Appellant : Thomas George

Respondent : Sasikumar

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.CHITAMBARESH FRIDAY, THE 18TH DAY OF JULY 2014 27TH ASHADHA, 1936 OP(C).No. 1269 of 2014 (O) ----- AGAINST THE

ORDER

IN OS682009 of MUNSIF COURT, PEERUMEDU PETITIONER(S): -----

1. THOMAS GEORGE, AGED 55S/O.GEORGE THOMAS, KIZHAKETHIL HOUSE, MANNARAMALA KARA OMALLOOR VILLAGE, KOZHANCHERRY TALUK PIN CODE:

689. 647.

2. SHAJI GEORGE, AGED 50S/O.GEORGE THOMAS, KIZHAKKETHIL HOUSE, MANNARMALA KARA OMALLOOR VILLAGE, KOZHANCHERRY TALUK, PIN :

689. 647.

3. JOJI GEORGE, AGED47YEARS S/O.GEORGE THOMAS, KIZHAKKETHIL HOUSE MANNARAMALA KARA, OMALLOOR VILLAGE, KOZHANCHERRY TALUK PIN:

689. 647. BY ADVS.SRI.P.N.RAMAKRISHNAN NAIR SRI.P.VISWANATHAN SRI. K.M.ALEXANDER SRI.GIKKU JACOB SRI.K.V.VINOD RESPONDENT(S):
----- 1. SASIKUMAR, S/O.AYAPPAN NARAYANAN, PUTHENPURAYIL HOUSE KUMILY KARA, KUMILY VILLAGE, PEERMADE TALUK PIN:

685. 509.

2. SHEELA,, AGED50YEARS D/O.AYYAPPAN NARAYANAN, PUTHENPURAYIL HOUSE KUMILY VILLAGE, PEERMADE TALUK, PIN:

685. 509. R1 BY ADV. MATHEWS K.UTHUPPACHAN R1 BY ADV. SRI.TERRY V.JAMES THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON1807-2014, ALONG WITH OP (C) NO.1557/2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: OP(C).No. 1269 of 2014 (O) -----
APPENDIX PETITIONER(S)' EXHIBITS ----- EXT.P1: TRUE PHOTOSTAT COPY OF THE PLAINT IN OS NO.44/2009 ON THE FILES OF THE MUNSIFF'S COURT, PEERMADE. EXT.P2: THE WRITTEN STATEMENT IN OS NO.44/2009 ON THE FILES OF THE MUNSIFF'S COURT, PEERMADE. EXT.P3: THE TRUE PHOTOSTAT COPY OF THE PLAINT IN OS NO.68/2009 ON THE FILES OF THE MUNSIFF'S COURT, PEERMADE. EXT.P4: THE WRITTEN STATEMENT IN OS NO.68/2009 ON THE FILES OF THE MUNSIFF'S COURT, PEERMADE. EXT.P5: THE TRUE PHOTOSTAT COPY OF I.A NO.930/2012 IN OS NO.68/2009 ON THE FILES OF THE MUNSIFF'S COURT, PEERMADE. EXT.P6 AND P6(A): THE TRUE PHOTOSTAT COPY OF THE COMMISSION REPORT DATED0607/2013 IN OS NO.68/2009 ON THE FILES OF THE MUNSIFF'S COURT, PEERMADE. EXT.P7: THE TRUE PHOTOSTAT COPY OF THE I.A NO.817/2013 IN OS NO.68/2009 ON THE FILES OF THE MUNSIFF'S COURT, PEERMADE. EXT.P8:THE TRUE PHOTOSTAT COPY OF THE I.A NO.879/2013 IN OS NO.68/2009 ON THE FILES OF THE MUNSIFF'S COURT, PEERMADE. EXT.P9:THE TRUE PHOTOSTAT COPY OF THE I.A NO.1279/2012 IN OS NO.68/2009 ON THE FILES OF THE MUNSIFF'S COURT,

PEERMADE. EXT.P10: THE TRUE PHOTOSTAT COPY OF THE I.A NO.49/2014
IN OS NO.68/2009 ON THE FILES OF THE MUNSIFF'S COURT, PEERMADE.
EXT.P11: THE TRUE PHOTOSTAT COPY OF THE

ORDER

IN I.A NO.817/2013 IN OS NO.68/2009 ON THE FILES OF THE MUNSIFF'S
COURT, PEERMADE. EXT.P12: THE TRUE PHOTOSTAT COPY OF THE

ORDER

IN I.A NO.879/2013 IN OS NO.68/2009 ON THE FILES OF THE MUNSIFF'S
COURT, PEERMADE. EXT.P13: THE TRUE PHOTOSTAT COPY OF THE

ORDER

IN I.A NO.1279/2014 IN OS NO.1279/2014 ON THE FILES OF THE MUNSIFF'S
COURT, PEERMADE. EXT.P14: THE TRUE PHOTOSTAT COPY OF THE

ORDER

IN I.A NO.49/2014 IN OS NO.68/2009 ON THE FILES OF THE MUNSIFF'S
COURT, PEERMADE. EXT.P15: THE TRUE PHOTOSTAT COPY OF THE

ORDER

IN I.A NO.154/2014 IN OS NO.68/2009 ON THE FILES OF THE MUNSIFF'S
COURT, PEERMADE. OP(C) No.1269/2014 :

2. : EXT.P16: THE TRUE PHOTOSTAT COPY OF THE

ORDER

IN I.A NO.153/2014 IN OS NO.68/2009 ON THE FILES OF THE MUNSIFF'S
COURT, PEERMADE. EXT.P17: THE TRUE PHOTOSTAT COPY OF THE

ORDER

IN I.A NO.154/2014 IN OS NO.68/2009 ON THE FILES OF THE MUNSIFF'S
COURT, PEERMADE. EXT.P18: THE TRUE PHOTOSTAT COPY OF THE

ORDER

IN I.A NO.153/2014 IN OS NO.68/2009 ON THE FILES OF THE MUNSIFF'S
COURT, PEERMADE. RESPONDENT(S)' EXHIBITS : NIL. -----

//TRUE COPY// P.S. TO JUDGE. V.CHITAMBARESH, J.

----- O.P (C) Nos.1269 & 1557 of 2014 ----- Dated this the
18th day of July, 2014

JUDGMENT

Both sides are dissatisfied with the report and plan of the Advocate Commissioner filed in the suit. There is also no objection in directing the Advocate Commissioner to measure the property on the basis of the purchase certificate issued by the Land Tribunal. Therefore Exts.P11 and P13 orders impugned in O.P.(C) No.1557/2014 are set aside. This disposes of O.P.(C) No.1269/2014 filed challenging Ext.P11 order aforesaid.

2. Consequently, I.A.Nos.879/2012, 1279/2013, 153/2014 and 154/2014 in O.S.No.68/2009 stand allowed. The court of the Munsiff of Peermade shall direct the Advocate Commissioner to file a revised report soon. Both the parties are at liberty to file work memo to the Advocate Commissioner independently. The Advocate Commissioner shall also avail the services of a Taluk Surveyor if necessary. The Original Petitions are disposed of. Sd/- V.CHITAMBARESH, Judge. nj.

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