

State of Kerala, vs the Haileyburia Tea Estates Ltd.,

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Court : Kerala

Decided On : Mar-25-2025

Judge : Honourable Mr.Justice K. Babu

Appeal No. : OP(C)/2115/2021

Appellant : State of Kerala,

Respondent : The Haileyburia Tea Estates Ltd.,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU TUESDAY, THE 25TH DAY OF MARCH 2025 / 4TH CHAITHRA, 1947 OP(C) NO. 2115 OF 2021 AGAINST THE ORDER DATED 18.02.2021 IN OS NO.69 OF 2013 OF MUNSIFF'S COURT, PEERUMEDU PETITIONERS:

1 STATE OF KERALA, REPRESENTED BY DISTRICT COLLECTOR, IDUKKI, KUYILIMALA, PAINAVUKARA, IDUKKI VILLAGE, PAINAV P.O., THODUPUZHA TALUK, IDUKKI DISTRICT-685603. 2 THE TAHSILDAR, PEERMADE, AZHUTHA KARA, PEERMADE VILLAGE, PIN-685531. 3 THE EXECUTIVE ENGINEER, PWD (ROADS), IDUKKI, PAINAVU KARA, IDUKKI VILLAGE, PAINAVU P.O., THODUPUZHA

TALUK, IDUKKI DISTRICT-685603. 4 ASSISTANT EXECUTIVE ENGINEER, PWD (ROADS), PEERMADE, AZHUTHA KARA, PEERMADE VILLAGE PIN-685531. BY ADVS. SHRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL, ADVOCATE GENERAL OFFICE KERALA SMT.G.SHEEBA, GOVERNMENT PLEADER RESPONDENT: THE HAILEYBURIA TEA ESTATES LTD., REGISTERED OFFICE AT 24/432, MARAR ROAD, WILLINGTON ISLAND, KOCHI-682003. BY ADVS. V.ABRAHAM MARKOS P.G.CHANDAPILLAI ABRAHAM ALEXANDER JOSEPH MARKOS ISAAC THOMAS ABRAHAM JOSEPH MARKOS SHARAD JOSEPH KODANTHARA THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 25.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BABU, J.

----- Dated this the
25th day of March, 2025

JUDGMENT

The prayers in this Original Petition (Civil) are as follows: (i) Call for records leading to Exhibit P5 Order and quash the same.

(ii) Direct the respondent/plaintiff to furnish a fresh

panel of qualified experts since the person who was appointed as expert by Exhibit P5 order was already found as incapable by the learned Munsiff by Exhibit P4 order.

(iii) Such other reliefs urged at the time of hearing.

2. The petitioners seek to set aside Ext.P5 order by which the

Trial Court appointed the Manager, Tyford Tea Estate Ltd Company as an expert to assist the Commissioner. The contention of the petitioners is that the Manager,

Tyford Tea Estate Ltd Company is not an expert in the field and therefore, he be replaced by another expert.

3. The learned counsel for the respondent submitted that he has no objection in allowing the petition. Therefore, the Original Petition (Civil) is allowed. Exhibit P5

order stands set aside. I.A No.1088/2016 in O.S No.69/2013 is

remitted to the Trial Court for fresh consideration. Both sides are at liberty to place list of experts in the Court below. Sd/- K.BABU, JUDGE KAS APPENDIX OF OP(C) 2115/2021 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE EXPERT LIST DATED Exhibit P2 TRUE COPY OF THE PROCEEDINGS PAPER OF MUNSIFF COURT, PEERMADE ISSUED ON Exhibit P3 TRUE COPY OF THE REVIEW PETITION DATED Exhibit P4 TRUE COPY OF THE ORDER APPOINTING

ASSISTANT DIRECTOR, TEA BOARD INDIA, PEERMADE AS EXPERT TO ASSIST ADVOCATE COMMISSIONER DATED 18/03/2020 PASSED BY THE LEARNED MUNSIFF COURT. Exhibit P5 TRUE COPY OF THE ORDER DATED 18/02/2021 IN OS NO. 69/2013 OF MUNSIFF COURT, PEERMADE.

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