

Chandran vs Thankappan

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Court : Kerala

Decided On : Dec-01-2023

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : OP(C)/2654/2023

Appellant : Chandran

Respondent : Thankappan

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN
FRIDAY, THE 1st DAY OF DECEMBER 2023 / 10TH AGRAHAYANA,
1945 OP(C) NO. 2654 OF 2023 OS 2186/2012 OF ADDITIONAL
MUNSIFF COURT, IRINJALAKUDA
PETITIONERS/ADDL.DEFENDANT: 1 CHANDRAN, AGED 61 YEARS,
SON OF KANNAMPILLY KUNJIKORAN, CHELOOR
PERUVALLUPPADAM DESOM, MANAVALASSERRY VILLAGE,
MUKUNDAPURAM TALUK, 2 RAGINI, WIFE OF LATE PRAKASAN,
CHELOOR PERUVALLIPADAM DESOM, MANAVALASERRY VILLAGE,
MUKUNDAPURAM TALUK, 3 PRABHA VELAYUDHAN,
THOZHUTHUMPARAMBIL VEEDU, VALLIVATTOM VILLAGE AND
DESOM, VALLIVATTION P.O, THRISSUR DISTRICT, PIN - 680123 4

K.K.RAMA BABU, PULIKKAL VEEDU, PAPPATHUMURI, EDATHIRINJI VILLAGE, EDATHIRINJI P.O, THRISSUR DISTRICT, PIN - 680122 5 K.K.VINESH LIJI, KANNAMPILLY VEEDU, CHELOOR DESOM, POOMANGALAM VILLAGE, THRISSUR DISTRICT, PIN - 680121 BY ADVS. K.JAGADEESH V.RENJU NIKHEL K GOPINATH RESPONDENTS/PLAINTIFF: 1 THANKAPPAN, SON OF KARUVANTHRAKKARAN KUTTIKORAN, MUKUNDAPURAM TALUK, THRISSUR DISTRICT, PIN - 680688

OP(C) No.2654 of 2023 2 2 VANAJA, WIFE OF KARUVANTHRAKKARAN THANKAPPAN, MUKUNDAPURAM TALUK, THRISSUR DISTRICT, PIN - 680688 THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 01.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: OP(C) No.2654 of 2023 3

JUDGMENT

The additional defendants came up with this original petition on the ground that the work memo furnished by them so as to give direction to the Commissioner appointed at the instance of plaintiffs was rejected by the trial court. Admittedly, they have not filed any application for appointment of commission and have not paid any batta or remuneration. Necessarily, they will not get any right to direct the Commissioner who was appointed at the instance of plaintiffs to workout any of the things required by them, for which they will have to make a separate application. Without prejudice to the right of parties to apply for issuance of a separate commission or through the very same Commissioner, the present original petition will stand dismissed in limine. Sd/- P.SOMARAJAN JUDGE DMR/- OP(C) No.2654 of 2023 4 APPENDIX OF OP(C) 2654/2023 PETITIONERS' EXHIBITS Exhibit P.1 TRUE PHOTOSTAT COPY OF THE PLAINT IN O.S.NO.2186 OF 2012 OF THE MUNSIFFS COURT, IRINJALAKUDA DATED 30-7-2012 Exhibit P.2 TRUE COPY OF THE JUDGMENT IN A.S.NO.136 OF 2016 OF THE SUBORDINATE JUDGE, IRINJALAKUDA DATED 30-11-2020 Exhibit P.3 TRUE PHOTOSTAT COPY OF THE WORK MEMO SUBMITTED BY THE PETITIONERS IN O.S.NO.2186 OF 2012 BEFORE THE MUNSIFFS COURT,

IRINJALAKUDA DATED 16-1-2023 Exhibit P.4 TRUE PHOTOSTAT COPY OF
THE ORDER IN O.S.NO.2186 OF 2012 OF THE ADDITIONAL MUNSIFF,
IRINJALAKUDA DATED 22-6-2023 // TRUE COPY // P.A. TO JUDGE

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