

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

OP(C).No. 231 of 2015 (O)

**I.A.NO.1473/2014 IN O.S.NO.40/2013 OF MUNSIFF MAGISTRATE COURT,
PONNANI**

PETITIONER :-

**VEETTILE VALAPPIL HYRUNNISSA,
AGED 40 YEARS, W/O.ABDULKHADER,
KOLOLAMBU AMSOM, AYILAKKAD DESOM,
PONNANI TALUK.**

**BY ADVS.SRI.K.RAMAKUMAR (SR.)
SRI.T.RAMPRASAD UNNI
SRI.S.M.PRASANTH
SRI.C.DINESH
SMT.ASHA BABU
SMT.AMMU CHARLES
SRI.G.RANJITH**

RESPONDENT :-

**V.T.JAYAPRAKASH MASTER, 57 YEARS,
S/O.SANKARAN MASTER,
THOTTATHIL HOUSE, KOLOLAMBU AMSOM,
AYILAKKAD DESOM,
PONNANI TALUK - 679 577.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 29-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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OP(C).No. 231 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS :-

**EXHIBIT P1:- TRUE COPY OF IA.NO.1473 OF 2014 IN OS.NO.40 OF 2013
ON THE FILE OF THE MUNSIFF MAGISTRATE COURT, PONNANI.**

**EXHIBIT P2:- TRUE COPY OF ORDER DATED 01.12.2014 IN IA. NO.1473 OF 2014
IN OS.NO. 40 OF 2013 ON THE FILE OF THE MUNSIFF MAGISTRATE
COURT, PONNANI.**

RESPONDENT(S)' EXHIBITS :- NIL

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//TRUE COPY//

P.A. TO JUDGE

P.BHAVADASAN, J.

O.P.(C) No. 231 of 2015

Dated this the 29th day of January, 2015

JUDGMENT

In spite of the submission of the commission reports on two occasions, the petitioner is still dissatisfied with the report filed by the Commissioner. Her grievance now is that the property has not been properly identified. Commissioner's report was made available for perusal. The Commissioner has detailed the way by which he had measured and identified the plaint schedule property. It is made clear in the report of the Commissioner that he had taken the measurement with the help of a Taulk Surveyor from different directions and also as per the documents produced before him.

2. The grievance of the petitioner that there has not been proper measurement of the property does not prima facie appear to be correct. However, if the petitioner has such a case, he will be at liberty to show at the time of trial that the Commissioner's report is not acceptable in which case he will be entitled to seek

remission of the report at that point of time if the court finds that the Commissioner's report is not proper and in accordance with the documents produced by the petitioner.

With the above observation, this original petition is disposed of.

Sd/-
P.BHAVADASAN
JUDGE

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//TRUE COPY//

P.A. TO JUDGE