

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

OP(C).No. 686 of 2015 (O)

I.A.NO.198/2015 IN O.S.NO.420/2014 OF MUNSIF'S COURT, CHENGANNUR

PETITIONER(S)/2ND RESPONDENT/2ND PLAINTIFF :

**O.S.UNNIKRISHNAN, AGED 42 YEARS,
S/O.SIVASANKARA PILLAI, ORETHU HOUSE,
UMAYATTUMKARAMURI, THIRUVANVANDOO VILLAGE,
CHENGANNUR TALUK, ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.K.N.RADHAKRISHNAN(THIRUVALLA)**

RESPONDENT(S)/COUNTER PETITIONERS/DEFENDANTS :

- 1. SATHEESHKUMAR, AGED 51 YEARS,
S/O.NARAYANAN NAIR, PONGATTU HOUSE, UMayATTUMKARAMURI,
THIRUVANVANDOO VILLAGE, CHENGANNUR TALUK,
ALAPPUZHA DISTRICT, PIN - 689 121.**
- 2. PRESANNAKUMAR PILLAI, AGED 59 YEARS,
S/O.LATE SIVASANKARAPILLAI,
VIRUTHIYETHU THOPPIL HOUSE, UMayATTUMKARAMURI,
THIRUVANVANDOO VILLAGE, CHENGANNUR TALUK,
ALAPPUZHA DISTRICT, PIN - 689 121.**
- 3. SURESH, AGED ABOUT 35 YEARS,
S/O.PARAMESWARAN PILLAI, THUDANTHU HOUSE
UMAYATTUMKARAMURI, THIRUVANVANDOO VILLAGE,
CHENGANNUR TALUK, ALAPPUZHA DISTRICT, PIN - 689 121.**
- 4. RAJAGOPAL, AGED 42 YEARS,
S/O.GOPALAKRISHNAN, KANGIRAKATTU HOUSE,
UMAYATTUMKARAMURI, THIRUVANVANDOO VILLAGE,
CHENGANNUR TALUK, ALAPPUZHA DISTRICT, PIN - 689 121.**
- 5. OMANAKUTTAN, AGED 46 YEARS,
S/O.APPUKUTTAN, PALAPRA HOUSE, THIRUVANVANDOO VILLAGE,
CHENGANNUR TALUK, ALAPPUZHA DISTRICT, PIN - 689 121.**

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**6. RAJU PALAPRA, AGED ABOUT 48 YEARS,
S/O.KOCHUKITTEN, PALAPRA HOUSE, THIRUVANVANDOOR VILLAGE,
CHENGANNUR TALUK, ALAPPUZHA DISTRICT, PIN - 689 121.**

**7. MALATHI BHATTATHIRI, AGED 77 YEARS,
EDAAVOOR MADOM, UMayATTUMKARA,
THIRUVANVANDOOR VILLAGE, CHENGANNUR TALUK,
ALAPPUZHA DISTRICT, PIN - 689 121.**

**R1 TO R4 BY ADVS. SRI.S.JAYAKRISHNAN
SRI.S.PARAMESWARA PRASAD**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 01-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

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APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1: TRUE COPY OF PLAINT IN O.S.NO.420/2014 OF THE MUNSIFF'S COURT CHENGANNUR DATED 15/12/2014.**
- EXT.P2: TRUE COPY PROSECUTION PETITION FILED BY THE PETITIONER IN O.S NO.420/2014 OF THE MUNSIFFS COURT, CHENGANNUR DATED 24/01/2015.**
- EXT.P3: TRUE COPY I.A.NO.198/2015 FILED BY THE RESPONDENTS IN O.S NO. 420/2014 OF THE MUNSIFFS COURT, CHENGANNUR DATED 28/01/2015.**
- EXT.P4: TRUE COPY OF I.A.NO.198/2015 IN O.S NO. 420/2014 OF THE MUNSIFFS COURT, CHENGANNUR DATED 28/01/2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

O.P.(C) No.686 of 2015

Dated this the 1st day of September, 2015

JUDGMENT

The petitioner, challenging Ext.P4 order passed by the learned Munsiff, Chengannur, has approached this Court. The above order is passed in an application filed by the first defendant in the suit for an appointment of an Advocate Commissioner. The court below appointed the Advocate Commissioner.

2. The main grievance of the petitioner is that the defendants did not file written statement and there are certain other issues pending before the Division Bench of this Court claiming plaint schedule property as Devaswom property.

The question whether any prejudice has been caused to the petitioner by the impugned order. The appointment of the Advocate Commissioner is only for the purpose of conducting local inspection to adduce an evidence. The petitioner is always free to point out before the court below any prejudice, if any, that has been caused based on the local inspection. There is no infirmity

otherwise with the order as it would not determine any rights and liabilities of the parties. Necessarily, before inspection, the Commissioner shall give notice to the petitioner as well. I do not find any reason to interfere with the order. Accordingly, the original petition is dismissed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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