

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

OP(C).No. 814 of 2015 (O)

OS 426/1992 OF ADDITIONAL MUNSIF COURT, CHERTHALA

PETITIONER(S) (JUDGMENT DEBTORS/DEFENDANTS:

1. BALAKRISHNAN, AGED 61 YEARS,
S/O. KUTTAPPAN, PADANNAYIL, EZHUPUNNA VILLAGE AND MURI,
ERAMALLOOR P.O., CHERTHALA TALUK,
ALAPPUZHA DISTRICT - 688 587.
2. KANAKAMMA,
W/O. BALAKRISHNAN, PADANNAYIL,
EZHUPUNNA VILLAGE AND MURI, ERAMALLOR P.O.
CHERTHAA TALUK, ALAPPUZHA DISTRICT - 688 587.

BY ADVS.DR.V.N.SANKARJEE
SRI.V.N.MADHUSUDANAN
SRI.S.SIDHARDHAN
SRI.PRATHAP. S.R.K.

RESPONDENT(S):

1. SUJATHA,
W/O. GANGADHARAN, PADNNAYIL, PADANNAYIL
EZHUPUNNA VILLAGE AND MURI, ERAMALLOOR P.O.
CHETHALA TALUK, ALAPPUZHA DISTRICT - 688 587.
2. ABAYA CHANDRAN,
D/O. GANGADHARAN, PADANNAYIL,
PADANNAYIL EZHUPUNNA VILLAGE AND MURI
ERAMALLOOR P.O., CHETHALA TALUK,
ALAPPUZHA DISTRICT - 688 587.
3. RAJEEV,
S/O GANGADHARAN, PADANNAYIL, PADANNAYIL
EZHUPUNNA VILLAGE AND MURI, ERAMALLOOR P.O.
CHERTHALA TALUK, ALAPPUZHA DISTRICT - 688 587.

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....2/-

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4. VINOVIN,
S/O. GANGADHARAN, PADANNAYIL, PADANNAYIL,
EZHUPUNNA VILLAGE AND MURI, ERAMALLOOR P.O.
CHETHALA TALUK, ALAPPUZHA DISTRICT - 688 587.

BY ADVS. SRI.J.OM PRAKASH
SRI.T.G.SANTHOSH
SRI.T.G.MANOJ

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 15-06-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE PLAINT IN OS NO. 426/92 ON THE FILE OF THE ADDITIONAL MUNSIFF'S COURT, CHERTHALA.**
- P2 - TRUE COPY OF THE WRITTEN STATEMENT DT. 12.8.92 FILED BY THE PETITIONER IN EXT P1.**
- P3 - TRUE COPY OF THE JUDGMENT DT 29.3.1999 IN EXT. P1.**
- P4 - TRUE COPY OF THE COMMISSION REPORT DT 26.2.97 FILED IN EXT. P1 SUIT.**
- P4(A)- TRUE COPY OF THE PLAN MARKED IN EXT.P3 JUDGMENT**
- P5 - TRUE COPY OF THE EXEUTION PETITION DT. 20.3.12 IN EP NO. 60/12 IN OS NO. 426/92 ON THE FILE OF THE ADDITIONAL MUNSIFF'S COURT, CHERTHALA.**
- P6 - TRUE COPY OF THE OBJECTION DT. 29.7.12 TO EXT. P5 EXECUTION PETITION.**
- P7 - TRUE COPY OF THE ORDER DT. 24.2.14 IN EP NO. 60/2012 IN OS NO. 426/92 ON THE FILE OF THE ADDITIONAL MUNSIFF'S COURT, CHERTHALA.**
- P8 - PHOTOGRAPHS (2 IN NUMBER) SHOWING LIE AND NATURE OF THE PETITIONERS' PROPERTY**
- P9 - TRUE COPY OF HE COMMISSION REPORT DT. 22.7.14.**
- P10 - TRUE COPY OF THE OBJECTION DT. 30.7.14 TO EXT . P9.**
- P11 - TRUE COPY OF THE COMMISSION APPLICATION DT. 30.7.14 FILED BY THE PETITIONERS.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

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B.KEMAL PASHA, J.

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O.P.(C). No.814 of 2015

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Dated this the 15th day of June, 2015

J U D G M E N T

The petitioners have a grievance that the decree has been executed by overlooking the terms of the decree. According to the learned counsel for the petitioners, the Commissioner has gone beyond the decree in putting up the boundary. *Prima facie*, it seems from the photographs produced by the petitioners that the petitioners have grievance in the matter. The petitioners have filed Exhibit P12 I.A. before the court below. It seems that the court below has not disposed it of.

2. According to the learned counsel for the respondents, there is no ground for any grievance at all. Exhibit P12 has to be considered by the court below on

merits. The respondents should be given an opportunity to file counter in the matter. The parties can adduce evidence, if any, required in the matter. The court below shall treat the matter as urgent and dispose of Exhibits P11 and P12 as expeditiously as possible, at any rate within a period of one month from the date of receipt of a copy of this judgment.

This Original Petition (Civil) is disposed of accordingly.

Sd/-
B.KEMAL PASHA
JUDGE