

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

OP(C).No. 918 of 2015 (O)

(OS 374/2008 of PRINCIPAL MUNSIF COURT, NEYYATTINKARA)

PETITIONERS:

1. VELAYUDHAN JAYACHANDRAN, AGED 70 YEARS,
RETNA BHAVAN, MANALLOOR DESOM,
NEYYATTINKARA PAKUTHY, THIRUVANANTHAPURAM.
2. VELAYUDHAN JAYA RAJAN, AGED 67 YEARS,
RETNA BHAVAN, MANALLOOR DESOM,
NEYYATTINKARA PAKUTHY,
THIRUVANANTHAPURAM.
3. VELAYUDHAN JAYAKUMAR, AGED 56 YEARS,
RETNA BHAVAN, MANALLOOR DESOM,
NEYYATTINKARA PAKUTHY,
THIRUVANANTHAPURAM.

BY ADV. SRI.R.GOPAN

RESPONDENTS/RESPONDENTS:

1. SUBHASHINI JAGATHAMMA, AGED 71 YEARS,
RATNA BHAVAN, MANALLOOR DESOM,
NEYYATTINKARA VILLAGE - 695 121.
2. SUBHASHINI, JAGATHALA, AGED 67 YEARS,
RATNA BHAVAN, MANALLOOR DESOM,
NEYYATTINKARA VILLAGE - 695 121.
3. SUBHASHINI JAYASHEELA, AGED 59 YEARS,
RATNA BHAVAN, MANALLOOR DESOM,
NEYYATTINKARA VILLAGE - 695 121.
4. SUBHASHINI JAYA ROHINI, AGED 57 YEARS,
RATNA BHAVAN, MANALLOOR DESOM,
NEYYATTINKARA VILLAGE - 695 121.

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5. K.R. MADHU, AGED 47 YEARS,
RATNA BHAVAN, MANALLOOR DESOM,
NEYYATTINKARA VILLAGE - 695 121.
6. MANJU RAJAN, AGED 40 YEARS,
RATNA BHAVAN, MANALLOOR DESOM,
NEYYATTINKARA VILLAGE - 695 121.
7. MAYA RAJAN, AGED 38 YEARS,
RATNA BHAVAN, MANALLOOR DESOM,
NEYYATTINKARA VILLAGE - 695 121.
8. R. MADHUSOODANAN NAIR, AGED 50 YEARS,
HOUSE No.T.C.8/450, MANKATTUKADAVIL,
MELE PUTHUVAL VEEDU, THIRUVANANTHAPURAM,
FROM VADAKKE PUTHEN VEEDU, VALIYA THERUVU,
ARASUMMOODU WARD, KADAVATTARAM DESOM,
NEYYATTINKARA PAKUTHY - 695 121.
9. VIMALAKUMARI, W/O. MADHUSOODANAN NAIR,
HOUSE No.T.C.8/450, MANKATTUKADAVIL,
MELE PUTHUVAL VEEDU, THIRUVANANTHAPURAM,
FROM VADAKKE PUTHEN VEEDU, VALIYA THERUVU
ARASUMMOODU WARD, KADAVATTARAM DESOM,
NEYYATTINKARA PAKUTHY - 695 121.
10. RAJAMMA, AGED 77 YEARS, OF -DO -DO-.
11. ACHUTHAN NAIR, MOHANACHANDRAN NAIR,
AGED 56 YEARS, OF -DO- -DO-.
12. GEETHAKUMARI, D/O. RAJAMMA,
AGED 41 YEARS, -DO- -DO-
13. ACHUTHAN NAIR MURALEEDHARAN NAIR, AGED 54 YEARS,
-DO- -DO-
14. ACHUTHAN NAIR SREEKANTAN NAIR, AGED 50 YEARS,
OF -DO -DO-
15. BINDHU, D/O. RAJAMMA, AGED 40 YEARS OF -DO- -DO-.
16. ACHUTHAN NAIR GOPAKUMAR, AGED 35 YEARS OF -DO- -DO-.
17. SINDHU, W/O.SREEKANTAN NAIR, AGED 25 YEARS, -DO- -DO-
18. DEVAKI, AGED 1 YEARS OF -DO -DO- MINOR REPRESENTED
BY GUARDIAN MOTHER SINDHU.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A P P E N D I X

PETITIONER'S EXHIBITS:

- EXT. P1 : COPY OF PLAINT IN O.S.374/2008 OF MUNSIFF COURT, NEYYATTINKARA DTD.10.4.08.
- EXT. P2 : COPY OF APPLICATION FOR CERTIFIED COPY OF FINAL DECREE AND PLAN IN O.S.183/1960 OF MUNSIFF COURT, NEYYATTINKARA DTD.9.3.10.
- EXT. P3 : COPY OF OFFICIAL MEMORANDUM DTD.6.2.10 OF DISTRICT COURT, THIRUVANANTHAPURAM.
- EXT. P4 : COPY OF LETTER DTD.20.8.09 ISSUED BY JUNIOR SUPERINTENDENT OF MUNSIFF COURT, NEYYATTINKARA.
- EXT. P5 : COPY OF RECONSTRUCTED DECREE PLAN IN O.S.183/1960 OF MUNSIFF COURT, NEYYATTINKARA DTD.7.11.1964.
- EXT. P6 : COPY OF PLAN AND DECREE DTD.31.10.12 PASSED BY PRINCIPAL MUNSIFF COURT, NEYYATTINKARA.
- EXT. P7 : COPY OF JUDGMENT IN O.S.374/2008 DTD.31.10.12 OF COURT OF PRINCIPAL MUNSIFF, NEYYATTINKARA.

RESPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. to Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.918 OF 2015

Dated this the 31st day of March, 2015.

J U D G M E N T

The grievance in this original petition is regarding the plan said to have been given to the petitioners by the court below which, according to the petitioners, is not in tune with the plan which was directed to be surrendered as per Ext.P4 notice.

2. There was a plan attached to the decree in O.S.No.183/1960 production of which was sought for in the present suit. Then it was reported that the original plan was missing and the District Court then issued a direction to the court concerned to have the plan reconstructed. The court concerned issued notice to the parties and they surrendered copy of the plan and the court issued certified copy of the reconstructed plan to the parties.

3. The petitioners point out that the plan now given is not in tune with the plan which was directed to be surrendered as per Ext.P4 and they therefore pray that a direction may be issued to

the court below to issue a proper plan.

4. If there is any grievance for the petitioners that proper plan is not received, they have to raise the same at the time of trial stating that the two plans are different and proper plan be issued. The petitioners may bring to the notice of the court concerned that two plans differ in content by preferring proper application or as already noticed at the trial point out the defect. If any such application is filed that shall be disposed of in accordance with law.

Reserving the liberty of the petitioners to do so, this original petition is disposed of.

Sd/-

**P.BHAVADASAN
JUDGE**

smp