

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

OP(C).No. 1153 of 2015 (O)

ORDER DTD.17.9.2014 IN IA.NO.2797/2014 IN OS.NO.586/2012 OF ADDITIONAL
MUNSIFF COURT, ALAPPUZHA

.....

PETITIONER(S):

IYPE VARGHESE,
S/O.VARGHESE, 'ANGEL GARDEN', THOTTUVATHALA MURI,
KAINAKARI VILLAGE, ALAPPUZHA.

BY ADV. SRI.A.KRISHNAN

RESPONDENT(S):

PETER PERUMPILLIL, S/O.THOMAS,
'PERUMPILLIL', THEKKEKKARA MURI,
CHAMPAKKULAM VILLAGE,
ALAPPUZHA-688 505.

BY ADVS. SRI.JOMY GEORGE
SRI.SEBASTIAN THOMAS
SRI.PREJINARK
SRI.DEEPAK MOHAN
SMT.A.MINI JOSEPH

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 03-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

OP(C).No. 1153 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 : TRUE COPY OF THE PLAINT IN OS 586/2012 DT.19-9-2012.

EXT.P2 : TRUE COPY OF THE WRITTEN STATEMENT DT.20-5-2013 IN EXT.P1 SUIT.

EXT.P3 : TRUE COPY OF THE APPLICATION IA 2797/14 DT.19-7-14 IN EXT.P1 SUIT,
FILED BY DEFENDANT.

EXT.P4 : TRUE COPY OF THE OBJECTION TO EXT.P3 DT.11-8-14.

EXT.P5 : TRUE COPY OF THE ORDER IN EXT.P3 DT.17-9-14 IN EXT.P3.

EXT.P6 : TRUE COPY OF THE REVISION PETITION FILED BY THE PLAINTIFF IN
EXT.P5 ORDER.

EXT.P7 : TRUE COPY OF THE OBJECTION DT.8-12-14 TO EXT.P6.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms^v/

B.KEMAL PASHA, J.

.....
O.P.(C) No.1153 of 2015
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Dated this the 3rd day of July, 2015

J U D G M E N T

A Commission application was filed before the court below in a suit for cancellation of a document. According to the petitioner, certain irrelevant matters were also sought to be ascertained by the Commissioner. But, the court below allowed the IA through Ext.P5 order. The petitioner filed a Review Petition before the court below. The court below has dismissed the Review Petition also.

2. Heard the learned counsel for the petitioner and learned counsel for the respondent.

3. The apprehension forwarded by the learned counsel for the petitioner is that certain irrelevant matters

are sought to be ascertained by the Commissioner. It has been pointed out that the Commissioner was even called upon to report the ownership particulars of certain buildings in the property. The Commissioner cannot decide the question of ownership. At the most the Commissioner can report such matters what he can see at the spot and nothing more. There is no need of any such apprehension for the petitioner. Hence, there is no merit in this Original Petition.

In the result, this Original Petition is closed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge