

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

OP(C).No.1249 of 2015 (O)

OS NO.244/2014 of MUNSIF COURT,ERATTUPETTA.

PETITIONER'S/(PETITIONER IN IA NO.1183/14 AND PLAINTIFFS IN OS NO.244/14):

1. **P.H.MUHAMMED,S/O.HASSAN KHAN,
AGED 75 YEARS,PUTHUPPARAMBIL HOUSE,
ARUVITHURA P.O,ERATTUPETTA VILLAGE,
KOTTAYAM DISTRICT.**
2. **KULSAMMA,W/O.MUHAMMED,AGED 70 YEARS,
PUTHUPPARAMBIL HOUSE,ARUVITHURA P.O,
ERATTUPETTA VILLAGE,KOTTAYAM DISTRICT.**
3. **RIYAS,S/O.MUHAMMED,AGED 30 YEARS,
PUTHUPPARAMBIL HOUSE,ARUVITHURA P.O,
ERATTUPETTA VILLAGE,KOTTAYAM DISTRICT.**
4. **ZABEERMON,S/O.MUHAMMED,AGED 35 YEARS,
PUTHUPPARAMBIL HOUSE,ARUVITHURA P.O,
ERATTUPETTA VILLAGE,KOTTAYAM DISTRICT.**

**BY SRI.TPM.IBRAHIM KHAN (SENIOR ADVOCATE.)
ADV.SRI.K.M.ABDUL MAJEED**

**RESPONDENT'S/(RESPONDENTS IN IA.NO.1183/14 AND DEFENDANTS IN OS
NO.244/14):**

1. **RASHEED,S/O.MEERANNAN RAWTHER,AGED 59 YEARS,
PUTHUPPARAMBIL HOUSE,ARUVITHURA P.O,
ERATTUPETTA VILLAGE.**
2. **SAIDU MUHAMMED,S/O.MEERANNAN RAWTHER,
AGED 60 YEARS,PUTHUPPARAMBIL HOUSE,
ARUVITHURA P.O,ERATTUPETTA VILLAGE,
KOTTAYAM DISTRICT.**
3. **ABDUL SALAM,S/O.HASSAN KUNJU,AGED 45 YEARS,
MUTHANNAPARAMBIL HOUSE,ARUVITHURA P.O,
ERATTUPETTA VILLAGE,KOTTAYAM DISTRICT.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 12-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

- P1- A PHOTOSTAT COPY OF THE PLANT IN OS.NO.244/14 FILED BY THE PETITIONERS BEFORE THE MUNSIFF'S COURT, ERATTUPETTA.
- P2- A PHOTOSTAT COPY OF THE BASIC TAX RECEIPT DATED 6.2.1992 ISSUED BY THE VILLAGE OFFICER, ERATTUPETTA VILLAGE PRIOR TO RESURVEY PROCEEDINGS.
- P2(A)- A PHOTOSTAT COPY OF THE POSSESSION CERTIFICATE DATED 6.12.1993 ISSUED BY THE VILLAGE OFFICER, ERATTUPETTA.
- P3- A PHOTOSTAT COPY OF THE RECEIPT DATED 16.1.2008 EVIDENCING RECEIPT OF COMPLAINT.
- P3(A)- A PHOTOSTAT COPY OF THE COMPLAINT FILED BY TEH PETITONERS BEFORE THE REVENUE DIVISIONAL, OFFICE, PALA DATED 26.11.2014.
- P4- A PHOTOSTAT COPY OF THE COMMISSION APPLICATION DATED 27.9.2014 FILED BY THE PETITIONER BEFORE TEH MUNSIFF'S COURT, ERATTUPETTA.
- P4(A)- A PHOTOSTAT COPY OF THE COMMISSION REPORT DATED 9.10.2014 SUBMITTED BY THE ADVOCATE COMMISSIONER.
- P5- A PHOTOSTAT COPY OF THE ORDER DATED 17.10.2014 IN IA NO.947/14 PASSED BY THE MUNSIFFS' COURT, ERATTUPETTA.
- P6- A PHOTOSTAT COPY OF THE ORDER DATED 20.3.2015 PASSED BY THE MUNSIFF'S COURT, ERATTUPETTA IN IA NO.1183 OF 2014 IN OS NO.244 OF 2014.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

B.KEMAL PASHA, J.

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O.P.(C). No.1249 of 2015

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Dated this the 12th day of June, 2015

J U D G M E N T

Perused the letter from the learned Munsiff, Erattupetta.

2. Heard the learned Senior Counsel for the petitioners.

3. The learned Munsiff has reported that a Commissioner has already been appointed with the assistance of a Surveyor and the report has not been filed so far. It has been strangely reported that the respondents are procuring adjournments for filing written statement on the ground that they would file the written statement only on getting the Commissioner's report.

3. The filing of the Commissioner's report is not a condition precedent for filing written statement in the matter. The court below shall not grant unnecessary adjournments hereafter for filing the written statement on such flimsy

grounds. The court below is directed to dispose of the suit as, as expeditiously as possible, at any rate prior to 31.10.2015.

In the result, this Original Petition (Civil) is disposed of as above.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/12/6/15