

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

OP(C).No. 815 of 2010 (O)

(OS 90/2008 of MUNSIFF MAGISTRATE COURT,PATTAMBI)

PETITIONER:

RAMAN NAMBOODIRI
S/O.NARAYANAN NAMBOODIRI, RESIDING AT
NAMBATH MANACKAL, P.O.OTHALUR, KUMARANALLOOR
OTTAPALAM TALUK, PALAKKAD DISTRICT.

BY ADVS. SRI.T.C.SURESH MENON
SRI.JIBU P THOMAS
SRI.P.S.APPU
SRI.C.A.ANOOP

RESPONDENTS:

1. SREEDHARAN,
S/O.DECEASED MEENAKSHI AMMA, RESIDING AT
URATH PALLIYALIL, ANAKKARA AMSOM, PERUMBALAM.P.O.
KUMBIDI, OTTAPALAM TALUK, PALAKKAD DISTRICT
PIN-679 553.
2. NARAYANAN,
S/O.KARTHIYANI KIZHAPADATH, RESIDING AT CHITHRANJALI
MALA AMSOM, VATTENAD DESOM, OTTAPALAM TALUK
PALAKKAD DISTRICT, PIN-679 534.
3. RAVEENDRAN, S/O.DECEASED KRISHNAN,
RESIDING AT CHATHAYIL, KUMARANELLUR AMSOM
CHEKKODE DESOM, OTTAPALAM TALUK, PALAKKAD DISTRICT
PIN-679 552.
4. RAVEENDRANATH,
S/O.DECEASED MEENAKSHI AMMA, RESIDING AT
POOVATHALI MEPARAMBATH, KOODALLUR AMSOM, NAYYUR DESOM
P.O.ANAKKARA, OTTAPALAM TALUK, PALAKKAD DISTRICT
PIN-679 551.

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5. BHAVANIKUTTY APPISSI,
D/O.DECEASED AMMUKUTTY APPISSI, RESIDING AT
SARANGHIYIL, VILAYUR AMSOM, PERADIYUR DESOM
OTTAPALAM TALUK, PALAKKAD DISTRICT, PIN-679 309.
6. RADHA NESSIAR,
W/O.DECEASED KESAVANUNNI NAMBIAR, RESIDING AT
PADINHARAPPATTU, CHOONDAL AMSOM, THALAPPILLY TALUK
THRISSUR DISTRICT, PIN-680 502.
7. VISALAKSHI,
W/O.DECEASED BALAGANGADHARAN NAMBIAR, RESIDING AT
PADINHARAPPATTU, AYALUR AMSOM, CHITTUR TALUK
PALAKKAD DISTRICT, PIN-678 520.
8. SANKARANUNNI NAMBIAR,
S/O.DECEASED AMMUKUTTY APPISSI, RESIDING AT
PADINHARAPPATTU, VILAYUR AMSOM, PERADIYUR DESOM
PALAKKAD DISTRICT, PIN-679 309.
9. CHANDRIKA,
D/O.DECEASED GANGADHARAN NAMBIAR, RESIDING AT
CHATHANNUR MADATHIL, CHATHANNUR DESOM, OTTAPALAM TALUK
PALAKKAD DISTRICT, PIN-679 537.
10. DIVAKARAN,
RESIDING AT CHATHANNUR MADATHIL, CHATHANNUR DESOM
OTTAPALAM TALUK, PALAKKAD DISTRICT. PIN-679 537.
11. VALSALA,
D/O.DECEASED VISALAKSHI KETTELAMMA, RESIDING AT
VARIYATH VALAPPIL, KUMARANELLUR AMSOM
KALLADATHUR DESOM, OTTAPALAM TALUK
PALAKKAD DISTRICT. PIN-679 552.
12. SYAMALA, W/O.RAJAN,
RESIDING AT VARIYATH VALAPPIL, KUMARANELLUR AMSOM
KALLADATHUR DESOM, OTTAPALAM TALUK
PALAKKAD DISTRICT. PIN-679 552.
13. RAMAN NAMBOODIRI,
S/O.DECEASED NARAYANAN NAMBOODIRI, RESIDING AT
NAMBATH MANAKKAL, KUMARANELLUR AMSOM, OTHALLOOR DESOM
OTTAPALAM TALUK, PALAKKAD DISTRICT, PIN-679 552.
14. NAIR SERVICE SOCIETY,
REPRESENTED BY ITS GENERAL SECRETARY, PERUNNA
CHANGANASSERY, PIN-686 102.
15. P.K.NARAYANA PANIKKER,
GENERAL SECRETARY, NAIR SERVICE SOCIETY, PERUNNA
CHANGANASSERY, PIN-686 102.

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16. V.P.HARIDAS, N.S.S., OTTAPALAM TALUK,
UNION PRESIDENT AND REGISTRAR, N.S.S., 'BABY HOUSE'
P.O.SHORNUR, PALAKKAD DISTRICT., PIN-679 121.

17. U.ABDULLA, S/O.AYAKUTTY,
RESIDING AT URATHODIYIL, THRITHALA AMSOM
OTTAPALAM TALUK, PALAKKAD DISTRICT. PIN-679 534.

18. FAIZAL BABU,
RESIDING AT URATHODIYIL, P.O. THRITHALA
OTTAPALAM TALUK, PALAKKAD DISTRICT. PIN-679 534.

19. MOHAMMED ALIAS BAVA HAJI,
S/O.ORAVIL KUNHIKOYA, RESIDING AT KURUMBATHUR AMSOM
TIRUR TALUK, PIN-676 301.

20. KERALA GOVERNMENT,
REPRESENTED BY THE DISTRICT COLLECTOR
PALAKKAD-678 001.

R14-R16 BY ADV. SRI.R.T.PRADEEP
R14-16 BY ADV. SRI.V.VIJULAL
R2 & R3 BY ADV. SRI.P.K.MOHANAN(PALAKKAD)
R20 BY GOVERNMENT PLEADER SMT. LILLY LESLIE.

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 29-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1 : COPY OF JUDGMENT IN WP(C) 38186/2008 OF THIS COURT DTD. 18.2.2008.

EXT. P2 : COPY OF ORDER IN I.A.419/2010 IN O.S.90/2008 OF MUNSIFF-MAGISTRATE, PATTAMBI DTD.15.6.2010.

RESPONDENTS' EXHIBITS: NIL.

// True Copy //

P.A. to Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.815 OF 2010

Dated this the 29th day of May, 2015.

J U D G M E N T

Under challenge is Ext.P2 order dated 15.06.2010 in I.A.No.419/2010 in O.S.No.90/2008 before the Munsiff-Magistrate Court, Pattambi by which the lower court allowed the commission application and appointed a Commissioner to go and visit the property and file a report.

2. The main contention raised by the learned counsel for the petitioner is that going by the plaint averments and also the issues involved, it was quite unnecessary to appoint a Commissioner and the real aspects have not been gone into by the court below.

3. However, Sri.P.K. Mohanan, learned counsel appearing for respondents 2 and 3 pointed out that since there was no stay of operation of order from this Court, Commissioner has visited the property and submitted a sketch and report.

If that be so, nothing remains to be considered in this original petition. It is accordingly closed.

Sd/-

P.BHAVADASAN
JUDGE

smp