

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

OP(C).No. 1875 of 2015 (O)

IA.NO.7190/2015 IN OS.2500/2011 OF ADDITIONAL MUNSIF COURT, IRINJALAKUDA

PETITIONER(S):

- 1. OUSEP, AGED 67,
S/O.KUMMATHUPARAMBIL ANTHONY, EDAKKULAM DESOM,
POOMANGALAM VILLAGE, MUKUNDAPURAM TALUK.**
- 2. JOJO,
S/O.KUMMATHUPARAMBIL RAPPAL, -DO-.**

BY ADV. SRI.T.N.MANOJ

RESPONDENT(S):

**KURIYAN,
S/O.THEKKINIYATH ANTHONY, EDAKKULAM DESOM,
POOMANGALAM VILLAGE, MUKUNDAPURAM TALUK - 680 501.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 15-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

OP(C).No. 1875 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 : TRUE COPY OF THE PLAINT IN OS 2500/11 OF THE ADDL. MUNSIFF COURT AT
IRINJALAKUDA.**

P2 : TRUE COPY OF THE REPORT OF THE ADVOCATE COMMISSIONER.

P3 : TRUE COPY OF THE PETITION IA 7191/14 IN OS 2500/11 FOR IMPEADING.

P4 : TRUE COPY OF THE PETITION IA 7190/2014 IN OS 2500/11 FOR STAY.

**P5 : TRUE COPY OF THE ORDER DT.12-6-15 IN IA 7190/14 IN OS 2500/11 OF THE ADDL.
MUNSIFF COURT, IRINJALAKUDA.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. ABRAHAM MATHEW, J.

O.P.(C) No.1875 of 2015

Dated this the 15th day of October, 2015

J U D G M E N T

Petitioners are defendants 1 and 2 in O.S.No.2500 of 2011 on the file of Munsiff, Irinjalakuda. The suit is for recovery of possession of immovable property. The respondent/plaintiff filed an application to appoint a commissioner to measure the property on the basis of his title deed and survey plan. That was allowed. Later, the respondent filed Ext.P3 application to implead Kerala State Electricity Board and its officers and some other persons as additional defendants. They also filed Ext.P4 application to direct the commissioner not to proceed with the work till the impleading application is disposed of. By Ext.P5 order the learned Munsiff allowed the application and directed the commissioner not to proceed with work. This is challenged in this O.P.

2. Heard.

3. Though I am not fully satisfied about the correctness of the order passed by the learned Munsiff, I am inclined not to interfere with the order. At the same

time, it is necessary to issue a direction to the learned Munsiff to dispose of the impelading application within one month from the date of receipt or production of a copy of this judgement.

In the result, this O.P is disposed of with a direction to the learned Munsiff to dispose of Ext.P3 impelading application within one month from the date of receipt or production of a copy of this judgement. If the application happens to be dismissed, the commissioner shall be directed to proceed with the work.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge