

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

OP(C).No. 2509 of 2015 (O)

(O.S.NO.430 OF 2015 OF MUNSIF COURT, KOTTAYAM)

PETITIONERS:

1. P.M.PHILIPPOSE AGED 58 YEARS
S/O.M.P.MATHEW, PULICKATHARA HOUSE
KACHERIPADY JUNCTION, CHERUKOL P.O., RANNI-690 104
PATHANAMTHITTA DISTRICT.
2. ANGEL CHARM PHILIP
D/O.P.M.PHILIPPOSE, PULICKATHARA HOUSE
KACHERIPADY JUNCTION, CHERUKOL P.O., RANNI-690 104
PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS
SRI.ANIL PRASAD

RESPONDENT:

ABRAHAM JOHN ALIAS VINOD
ADENS FRUIT STALL, KANJIKUZH, KOTTAYAM-686 002
RESIDENCE AT BETHEL HOUSE, VELOOR, KOTTAYAM.

BY ADVS. SRI.S.JAYAKRISHNAN
SRI.VINO V.GEORGE

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 21-12-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS

EXT.P1.TRUE COPY OF THE APPROVED PLAN FOR BUILDING

EXT.P2.TRUE COPY OF THE PLAINT IN OS 430/2015 OF MUNSIFF COURT, KOTTAYAM

EXT.P3.TRUE COPY OF THE IA NO.1634/2015 FILED BY THE RESPONDENT

EXT.P4.TRUE COPY OF THE EXPARTE ORDER DATED 1/7/2015 IN IA NO.1634/2015 IN OS 430/15 PASSED BY THE MUNSIFF COURT, KOTTAYAM

EXT.P5.TRUE COPY OF THE COUNTER AFFIDAVIT IN IA NO.1634/2015 FILED BY THE PETITIONERS

EXT.P6.TRUE COPY OF THE ADVOCATE COMMISSION REPORT DATED 31/7/2015 ALONG WITH REPORT OF EXPERT

EXT.P7.TRUE COPY OF THE ORDER DATED 7/9/2015 IN IA NO.1634/2015 IN OS NO.430/2015 PASSED BY THE MUNSIFF COURT, KOTTAYAM.

RESPONDENT'S EXHIBITS: NIL

Sd/-
K.ABRAHAM MATHEW
JUDGE

cms

/True copy/

P.S.to Judge

K.ABRAHAM MATHEW J.

O.P.(C)No.2509 of 2015

Dated this the 21st day of December, 2015

JUDGMENT

As agreed by both sides, the petitioners may construct a new compound along the disputed boundary without demolishing the old compound wall. They shall make an undertaking in the form of an affidavit that they will pay compensation to the respondent if the construction of the new compound wall causes any damage to his property or building. For the construction of the new compound wall the petitioner may dig in his property and remove soil, if necessary.

Sd/-

**K.ABRAHAM MATHEW
JUDGE**

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/True copy/

P.S.to Judge