

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No. 11994 of 2010 (O)

PETITIONER :

SOMASEKHARAN NAIR,
AGED 47 YEARS, S/O.NARAYANAN NAIR,
PRIYANKA NIVAS, FROM PANDISSERIYIL HOUSE,
VAYALAR EAST, REPRESENTED THROUGH HIS WIFE SREEDEVI,
AGED 46 YEARS, PRIYANKA NIVAS, FROM PANDISSERIYIL HOUSE,
VAYALAR EAST, AS HIS POWER OF ATTORNEY HOLDER.

BY ADVS.SMT.C.G.BINDU
SMT.C.G.AJITHA
SMT.D.SARITHA
SMT.M.K.RAJITHA

RESPONDENT(S) :

1. REETHAMMA,
W/O.LATE CHACKO,
JOSE VILLAYIL HOUSE,
FROM PUTHENPURAYIL,
VAYALAR MURI,
VAYALAR EAST VILLAGE. (*DIED, LR'S IMPEADED)
2. P.C.JOHN,
S/O.LATE CHACKO,
JOSE VILLAYIL HOUSE,
FROM PUTHENPURAYIL,
VAYALAR MURI
VAYALAR EAST VILLAGE.
3. LILLIKUTTY,
D/O.LATE CHACKO
JOSE VILLAYIL HOUSE,
FROM PUTHENPURAYIL,
VAYALAR MURI
VAYALAR EAST VILLAGE.

4. P.C.JOSEPH,
S/O.LATE CHACKO
JOSE VILLAYIL HOUSE,
FROM PUTHENPURAYIL,
VAYALAR MURI
VAYALAR EAST VILLAGE.

5. LIZZYMOL,
D/O.LATE CHACKO,
JOSE VILLAYIL HOUSE,
FROM PUTHENPURAYIL,
VAYALAR MURI
VAYALAR EAST VILLAGE.

6. CHACKO,
S/O.LATE CHACKO
JOSE VILLAYIL HOUSE,
FROM PUTHENPURAYIL,
VAYALAR MURI
VAYALAR EAST VILLAGE.

7. LEENA CHACKO,
D/O.LATE CHACKO
JOSE VILLAYIL HOUSE,
FROM PUTHENPURAYIL,
VAYALAR MURI
VAYALAR EAST VILLAGE.

*IT IS RECORDED THAT RESPONDENTS 2 TO 7 ARE RECORDED AS THE
LEGAL HEIRS OF THE DECEASED 1ST RESPONDENT AS PER ORDER IN
IA NO. 1057/2013 DATED 10/07/2015.

R1 TO R7 BY ADV. SRI. J. OMPRAKASH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...3/-

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APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF THE PLAINT IN OS NO. 218/2007 BEFORE THE MUNSIFF'S COURT, CHERTHALA.**
- EXT.P2 COPY OF THE WRITTEN STATEMENT IN OS NO. 218/2007.**
- EXT.P3 COPY OF THE COMMISSION REPORT DATED 26.3.2007 ALONG WITH A ROUGH SKETCH.**
- EXT.P4 COPY OF THE COMMISSION REPORT DATED 22.8.2008.**
- EXT.P4(a) COPY OF THE SURVEY SKETCH.**
- EXT.P4(b) COPY OF THE OBJECTION DATED 22.10.2008 SUBMITTED BY THE RESPONDENTS.**
- EXT.P5 COPY OF THE IA NO. 3818/09 FOR AMENDING THE PLAINT.**
- EXT.P6 COPY OF THE OBJECTION TO THE AMENDMENT APPLICATION.**
- EXT.P7 COPY OF THE AMENDED PLAINT.**
- EXT.P8 COPY OF THE ADDITIONAL WRITTEN STATEMENT FILED BY THIS PETITIONER.**
- EXT.P9 COPY OF THE COMMISSION APPLICATION IA NO. 4256/2009.**

(Contd...)

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EXT.P10 COPY OF THE OBJECTION DATED 16-11-2009.

EXT.P11 COPY OF THE ORDER DATED 6.2.2010 IN IA NO. 4256/09 IN OS
NO. 218/2007 OF THE ADDITIONAL MUNSIFF'S COURT, CHERTHALA.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

B. KEMAL PASHA, J.

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W.P.(C) No.11994 of 2010 O
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Dated this the 10th day of July, 2015

J U D G M E N T

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An order allowing the appointment of an Advocate Commissioner in the suit before the court below has been challenged.

2. On hearing the learned counsel for the petitioner and learned counsel for the respondents, it has come out that the suit as such happened to be dismissed and presently, there is no suit. In case of restoration of the suit, it is open to the defendants to challenge the said order once again.

With the said observations, W.P.(C) is disposed of.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/10/07

// True Copy //

PA to Judge