

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

WEDNESDAY, THE 8<sup>TH</sup> DAY OF NOVEMBER 2023 / 17TH KARTHIKA, 1945

OP(C) NO. 2429 OF 2023

OS 182/2022 OF MUNSIF COURT, PEERUMEDU

**PETITIONERS/DEFENDANTS:**

- 1      RATHEESH.V.K  
         AGED 41 YEARS  
         S/O.KARUNAKARAN VANDIKALAYIL HOUSE, KANJOOR.P.O.,  
         KUDAYATHOOR VILLAGE THODUPUZHA TALUK  
         MOB:9747388270., PIN - 685590.
- 2      GIRISH.R  
         AGED 39 YEARS  
         S/O.RAMAKRISHNAN PALACKATHOTTIYIL HOUSE  
         KANJOOR.P.O., KUDAYATHOOR VILLAGE,  
         THODUPUZHA TALUK, PIN - 685590.
- 3      SYAMALA.R  
         AGED 63 YEARS  
         W/O.RAMAKRISHNAN PALACKATHOTTIYIL HOUSE  
         KANJOOR.P.O., KUDAYATHOOR VILLAGE  
         THODUPUZHA TALUK., PIN - 685590  
         BY ADVS.  
         V.RAJENDRAN (PERUMBAVOOR)  
         N.RAJESH  
         GOPAKUMAR P.  
         JERRY JAISON

**RESPONDENT/PLAINTIFF:**

P.A.MANSOOR  
AGED 46 YEARS  
S/O.M.K.ALIYAR  
PUTHANPARAMBIL HOUSE,  
ERATUPETTA KARA ERATTUPETTA VILLAGE,  
MEENACHIL TALUK ERATTUPETTA.P.O, PIN - 686521.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 08.11.2023,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C. JAYACHANDRAN, J.

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O.P.(C).No.2429 of 2023  
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Dated this the 08<sup>th</sup> day of November, 2023

JUDGMENT

The petitioners herein are the defendants in O.S.No.182/2022. An interlocutory application seeking injunction filed along with the suit was allowed. A prosecution petition is preferred by the plaintiff (respondent herein) alleging violation of the injunction order. The defendants (petitioners herein), upon entering appearance, filed written statement, along with an application for issuance of a Commission. Though the said application was filed in November, 2022, the same has not yet been considered. However, the Commission Application preferred by the plaintiff in the violation petition has been allowed. The limited prayer of the petitioners is to direct the court below to issue necessary instructions to the Commissioner to note the points enumerated in

O.P. (C) 2429/2023

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I.A.No.4/2022 as well by the Commissioner appointed in the violation petition.

2. Having regard to the nature of the relief sought for, notice to the respondent is dispensed with. This Court directs the learned Munsiff, Peerumade to issue necessary instructions to the Commissioner appointed in the prosecution petition to note the points enumerated in I.A.No.4/2022 also and to report the same.

The O.P. (C) is disposed of as above.

Sd/-  
C. JAYACHANDRAN, JUDGE

skj

**APPENDIX OF OP(C) 2429/2023**

PETITIONERS' EXHIBITS

Exhibit P1	TRUE COPY OF PLAINT IN O.S.182/22 OF MUNSIFF'S COURT, PEERMEDE DATED 12.7.22.
Exhibit P2	TRUE COPY OF WRITTEN STATEMENT FILED BY DEFENDANTS IN O.S.182/22 OF MUNSIFF'S COURT, PEERMEDE DATED 22.3.23.
Exhibit P3	TRUE COPY OF ORDER IN I.A.2/22 IN O.S.182/22 OF MUNSIFF'S COURT, PEERMEDE DATED 13.7.22.
Exhibit P4	TRUE COPY OF COMMISSION REPORT TOGETHER WITH ROUGH SKETCH SUBMITTED BY COMMISSIONER ADVOCATE IN I.A.3/22 IN O.S.182/22 OF MUNSIFF'S COURT, PEERMEDE DATED 14.7.22.
Exhibit P5	TRUE COPY OF I.A.4/22 IN O.S.182/22 OF MUNSIFF'S COURT, PEERMEDE FOR SURVEY COMMISSION FILED BY THE DEFENDANTS ON 17.11.22.
Exhibit P6	TRUE COPY OF COUNTER AFFIDAVIT FILED BY PLAINTIFF TO EXHIBIT P5 COMMISSION APPLICATION ON 20.6.23.
Exhibit P7	TRUE COPY OF I.A.5/23 IN O.S.182/22 OF MUNSIFF'S COURT, PEERMEDE FILED BY THE DEFENDANTS ON 22.3.23 TO SET ASIDE EXHIBIT P4 COMMISSION REPORT ROUGH SKETCH.
Exhibit P8	TRUE COPY OF OBJECTION FILED BY THE DEFENDANTS TO EXHIBIT P4 COMMISSION REPORT DATED 22.3.23.
Exhibit P9	TRUE COPY OF COUNTER AFFIDAVIT FILED BY PLAINTIFF TO EXHIBIT P7 PETITION FILED BY THE DEFENDANTS IN O.S.182/22 OF MUNSIFF'S COURT, PEERMEDE DATED 20.6.23.
Exhibit P10	TRUE COPY OF COMMISSION APPLICATION FILED BY THE PLAINTIFF AS I.A.NO.6/23 IN O.S.182/22 OF MUNSIFF'S COURT, PEERMEDE ON 10.7.23.

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Exhibit P11	TRUE COPY OF COUNTER AFFIDAVIT FILED BY 1ST DEFENDANT TO EXHIBIT P10 PETITION ON 12.10.2023.
Exhibit P12	TRUE COPY OF PETITION NO.I.A.7/23 IN O.S.182/22 OF MUNSIFF'S COURT, PEERMEDE FILED BY THE PLAINTIFF UNDER ORDER 39 RULE 2A OF CODE OF CIVIL PROCEDURE ON 10.07.2023.
Exhibit P13	TRUE COPY OF I.A.8/23 IN O.S.182/22 OF MUNSIFF'S COURT, PEERMEDE FILED BY THE PLAINTIFF ON 10.07.2023.
Exhibit P14	TRUE COPY OF I.A.9/23 IN O.S.182/22 OF MUNSIFF'S COURT, PEERMEDU FILED BY THE PLAINTIFF ON 10.07.2023.
Exhibit P15	TRUE COPY OF I.A NO.10/2023 IN O.S NO. 182/2022 OF MUNSIFF'S COURT, PEERMEDE FILED BY THE DEFENDANTS ON 07.10.2023.