

Kerala High Court

Deepa Vimal vs V.Menon Raghavan Meleth on 22 January, 2010

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 2156 of 2010(0)

1. DEEPA VIMAL, W/O.VIMAL,  
... Petitioner
2. SASRASWATHI W/O.BHASKER,

Vs

1. V.MENON RAGHAVAN MELETH  
... Respondent
2. DR.M.VENUGOPALAN, NAKKANETH,
3. PADMAJA VENUGOPAL,
4. M.S.MENON, 30-GANGA APARTMENTS
5. LAKSHMIKUTTY, MELETH LANE,
6. K.P.VISALAKSHI, B11-SILVER PALM
7. K.P.UNNIKRISHNAN,
8. DR.SAROJAM KARUNAKARAN,
9. DR.INDIRA MELETH,

For Petitioner :SRI.K.R.VINOD

For Respondent : No Appearance

The Hon'ble MR. Justice S.S.SATHEESACHANDRAN

Dated :22/01/2010

O R D E R

S.S.SATHEESACHANDRAN, J.

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W.P.(C).No.2156 of 2010

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Dated this the 22nd day of January, 2010

JUDGMENT

The petitioners are the defendants 1 and 2 in O.S.No.740/08 on the file of the 2nd Additional Sub Court, Ernakulam. The above suit is one for recovery of possession and the respondents are the plaintiffs.

2. Respondents 1 to 3 are the plaintiffs in the suit and the other respondents are the co-defendants resisting the suit. The petitioners/defendants have filed a written statement in which among other contentions, they have disputed the identity of the suit property as well. On the application of the plaintiffs/respondents 1 to 3, an advocate commissioner has been appointed to measure out the suit property with the assistance of a private surveyor. Imputing bias and partiality on the part of the surveyor deputed to assist the advocate W.P.(C).No.2156 of 2010 :: 2 ::

commissioner and seeking his removal and appointment of a Taluk Surveyor in his place, the petitioners, it is submitted, had moved Ext.P3 application before the court below. That application, after hearing both sides, it is submitted by the counsel, was dismissed on 11.12.2009. Though the petitioners have applied for issue a carbon copy of the order, the grievance canvassed is that till date, it has not been furnished. The petitioners have, therefore, filed the present writ petition, invoking the supervisory jurisdiction vested in this court for issue a writ, direction or order to the court below to issue a copy of the order passed on Ext.P3 application and, also to provide a breathing time to challenge that order by keeping in abeyance the measurement of the suit property for a short period.

3. Considering the submissions made and taking note of the facts and circumstances, I find, no W.P.(C).No.2156 of 2010 :: 3 ::

notice to the respondent is necessary and it is dispensed with. There will be a direction to the court below to issue a copy of the order passed on Ext.P3 application, if already applied for, within a period of five days from the date of receipt/production of a copy of this judgment. The court below shall also give a direction to the advocate commissioner to defer the measurement of the suit property for a period of two weeks from the date of this judgment.

Writ petition is disposed of as above. Hand over a copy of this judgment to the learned counsel for the petitioner on usual terms and send a copy to the court concerned forthwith.

Sd/-

(S.S.SATHEESACHANDRAN) JUDGE SK/-

//true copy// P.S. to Judge.