

Kerala High Court

Radhakrishnan vs Sathiamma Sathyabhama on 17 June, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 728 of 2009(J)

1. RADHAKRISHNAN, HARISADANAM, KADAMPANADU

... Petitioner

2. AJIKUMAR, HARISADANAM

3. RADHAMONY, HARISADANAM,

4. REMA BHAI, HARISADANAM,

Vs

1. SATHIAMMA SATHYABHAMA,

... Respondent

For Petitioner :SRI.D.KISHORE

For Respondent :SRI.DINESH R.SHENOY

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

Dated :17/06/2009

O R D E R

S.S.SATHEESACHANDRAN, J.

W.P.(C).NO.728 OF 2009 ()

Dated this the 17th day of June, 2009

J U D G M E N T

The Commission report and plan filed in a final decree proceedings were impeached by the petitioners contending that the report and plan suffer from serious infirmities, and so much so, they are liable to be set aside. The learned Munsiff, after examining the objections raised was not inclined to accept them and the objections were overruled under Ext.P6 order. Propriety and correctness of that order is impeached in this writ petition invoking the supervisory jurisdiction of this Court vested under Article 227 of the Constitution of India.

2. At the time of hearing, the learned counsel for the petitioner submitted that the final decree proceedings are over with the court below having already passed a decree. So much so, reserving his right to challenge the merit of the commission report and plan as well as the decree passed in the appeal, the writ petition may be disposed of. Writ petition is, therefore, disposed making it clear that it is open to the petitioner to take whatever challenges against the commission report and plan as well as the final decree in appropriate proceedings as provided by law.

S.S.SATHEESACHANDRAN JUDGE prp S.S.SATHEESACHANDRAN, J.

CRL.R.P.NO. OF 2006 ()

O R D E R

23rd March, 2009