

IN THE COURT OF THE PRL. JUNIOR CIVIL JUDGE :: PILER

PRESENT : **Smt S. JYOTHI,**
Principal Junior Civil Judge, Piler.

Tuesday, the Twenty Eighth (28th) day of March, 2023.

O.S.No. 347 OF 2022

Between :

Garnimitta Hemanth

..

Plaintiff

And :

Chinthamreddy Lokanatha Reddy

..

Defendant

This suit is coming before me for hearing on 01.03.2023 in the presence of Sri C.V. Reddy, Advocate for Plaintiff and the defendant is called absent and set exparte, upon hearing the counsel for plaintiff, upon perusing the material papers on record and having stood over for consideration till this day, this court delivered the following :

J U D G M E N T

1. This is a suit filed by plaintiff for grant of permanent injunction restraining the defendant, his men and agents from any way interfering with the peaceful possession and enjoyment of plaint schedule property and for costs of the suit.

2. **The brief averments in the plaint are as follows :**

(a) The suit schedule land originally belonged to 1) Chinthamareddy Narasimha Reddy and 2) Chinthamreddy Krishna Reddy who are sons of C. Venkataswamy Reddy and while being in lawful possession and enjoyment of same, Narasimha Reddy and Krishna Reddy together sold the same to one Garnimitta Gurrappa for valid consideration under a registered Sale Deed dt.05.08.1963 vide document No.2500/1963 and delivered possession of the same to G. Gurrappa and since then he had been in possession and enjoyment of plaint schedule property with absolute rights of ownership till his death.

(b) It is further contended that the said Gurrappa died long back leaving behind him, G. Venkatramana and he also died leaving behind his wife Savithramma and she succeeded the estate of Venkatramana and in possession and enjoyment of the same along with Sahadeva and when Sahadeva died about 18 years ago, leaving behind his wife and son, the said Savithramma out of love

and affection executed a registered Gift Settlement Deed dt.21.02.2015 vide document No.344/2015 in the name of plaintiff. It is further contended that the plaintiff was minor on the date of execution of Gift Settlement Deed and his mother G. Reddemma acted as minor plaintiff's guardian and the gift was accepted by her. It is further contended that considering the registered Gift Deed, the revenue authorities mutated the name of plaintiff represented by minor guardian G. Reddemma in revenue records and after attaining majority, the revenue authorities have mutated the name of plaintiff by removing the guardian name in the revenue records.

(c) It is further contended that the defendant had no right under the light of registered Sale Deed and being well educated person, litigant mentality and intending to usurp the plaint schedule property highhandedly for getting unlawful gain under false claim. It is further contended that on 3.12.2022, when the plaintiff was at plaint schedule property by ploughing the same, the defendant along with his henchmen came there and tried to interfere with possession and enjoyment of plaintiff over the same, which efforts could be thwarted by plaintiff at the instance of neighbors and while going away, the defendant threatened that he will come again with more man power and will dispossess the plaintiff from the plaint schedule property. Hence, the plaintiff constrained to file the present suit.

3. Perused the record, summons were served to the defendant. The defendant is called absent, no representation, hence he is set exparte and the case was posted for plaintiff side evidence.

4. The plaintiff filed chief examination affidavit as P.W.1 by reiterating the contents of plaint and got marked Exs.A1 to A5.

5. Heard the learned counsel for plaintiff, perused the record.

6. Now the point for determination is :

"Whether the plaintiff is entitled for grant of permanent injunction in respect of plaint schedule property?"

7. **POINT :**

To prove suit claim, the plaintiff himself is examined as P.W.1 and got marked Exs.A.1 to A.5. Ex.A.1 is the Registered Sale Deed dt.5.8.1963, Ex.A.2 is the registered Gift Settlement Deed dt.21.02.2015, Ex.A.3 is the Grama Sachivalayam copy of 1-B Namoon dt.21.11.2022, Ex.A.4 is the Grama Sachivalayam copy of Adangal dt.21.11.2022, and Ex.A.5 is the pattadar passbook bearing Khata No.1993 in the name of plaintiff, which shows the possession and title of the plaintiff over the plaint schedule property. After filing of the suit also, defendant has not shown any interest to contest the suit filed by plaintiff and he remained exparte. Hence, the evidence of P.W.1 and Exs.A.1 to A.5 remained unchallenged. All these prima facie proved the stand of plaintiff. The documents supporting the contention of the plaintiff that he is in possession and enjoyment of the plaint schedule property. Therefore, the plaintiff is in possession and enjoyment as on the date of filing of the suit and he is entitled for permanent injunction restraining the defendant. The point is answered in favour of plaintiff and against the defendant.

8. In the result, the suit is decreed with costs restraining the defendant, his men and agents from interfering with the plaintiff's peaceful possession and enjoyment of the plaint schedule property by means of permanent injunction.

Typed to my dictation to Personal Assistant, corrected and pronounced by me in open Court on this the 28th day of March, 2023.

Sd/- S. JYOTHI
PRL. JUNIOR CIVIL JUDGE,
PILER.

APPENDIX OF EVIDENCE
WITNESSES EXAMINED FOR

PLAINTIFF :

P.W.1 : G. Hemanth

DEFENDANT :

None (Exparte).

EXHIBITS MARKED FOR**PLAINTIFF :**

Ex.A.1: Certified copy of registered Sale Deed dt.5.8.1963 in favour of great grandfather of plaintiff vide document No.2500/1963.

Ex.A.2: Original registered Gift Settlement Deed dt.21.2.2015 in favour of plaintiff vide document No.344/2015.

Ex.A.3: Grama Sachivalayam copy of 1-B Namoonna dt.21.11.2022 stands in favour of plaintiff.

Ex.A.4: Grama Sachivalayam copy of Adangal dt.21.11.2022 stands in favour of plaintiff.

Ex.A.5: Original pattadar passbook issued by the Tahsildar, K.V. Palli in favour of plaintiff bearing Khata No.1993.

DEFENDANT : Nil (Exparte).

Sd/- SJ
PJCJ, PLR.