

**IN THE COURT OF THE MUNSIF, HARIPAD.  
Present: Smt. Maneesha K Bhadran, Munsiff  
Thursday, 26<sup>th</sup> March, 2026/5<sup>th</sup> Chaithram, 1948**

**OS 59/2019**

(Filed on 16.03.2019)

**Plaintiffs:** 1. Vilasini, aged 62 years, W/o.Sivanandan,  
Kaleeckal Veettil, Muttam Muri,  
Cheppad Village, Karthikappally Taluk.

Addl. Plaintiff 2 . Anitha, aged 50 years,  
D/o Vilasini, Kaleeckal Veettil,  
Muttam Muri, Cheppad Village,  
Karthikappally Taluk.

**Additional P2 impleaded as per order in IA. 1/26, dtd. 12.03.2026  
(By Adv.G. Shimuraj)**

**Defendants:** 1. Indu Gopi, aged 46 years, W/o. Gopi,  
Vallappurayil Veettil, Valiyakuzhi Muri,  
Cheppad Village. Karthikappally Taluk.

2. Gokul G. Nath, aged 23 years,  
S/o. Gopi, Vallappurayil Veettil, Valiyakuzhi Muri,  
Cheppad Village. Karthikappally Taluk.

3. Rahul.G. Nath, Aged 21 years, S/o Gopi,  
Vallappurayil Veettil, Valiyakuzhi Muri,  
Cheppad Village. Karthikappally Taluk.

**(Exparte)**

This suit having been finally heard on 19.03.2026 and the court on 26.03.2026 passed the following:

**J U D G M E N T**

**Suit for fixation of boundary and permanent prohibitory injunction.**

2. **Plaint averments in brief are as follows:** Second and third defendants are the children of first defendant. Plaintiff obtained plaint

schedule item No.1 property as per Sale deed No.220/17 of Cheppad SRO executed by Hon'ble Munsiff, Haripad in OS No.44/2015. Plaintiff obtained possession of plaint schedule item No.1 property on 30.08.2017 in the proceedings in EP No.40/2017. Husband of first defendant and father of second and third defendants obtained plaint schedule properties having an extent of 4.62 Ares as per Sale Deed No. 1584/2005 of Cheppad SRO. Pursuant to his death, defendants being his legal heirs, obtained co-ownership right over the said property. On 05.05.2014, they entered into agreement No.770/2014 of Cheppad SRO for sale of plaint schedule item No.1 property with plaintiff. As defendants were not ready to perform their part of the agreement and execute the sale deed, plaintiff filed OS No.44/2015 before Hon'ble Munsiff Court, Haripad. The same was decreed and plaintiff got the sale deed executed through the process of court by depositing the balance sale consideration in the court. Plaintiff had mutated the above property in her favour. Nobody other than plaintiff is having any right over plaint schedule Item No.1 property. On the south of plaint schedule item No.1 property is the remaining property of defendants. Boundary stones were laid by the Amin at the time of effecting delivery of plaint schedule item No.1 property. On 20.01.2019, defendants trespassed into plaint schedule item No. 1 property and removed the southern boundary stones on the south western and south eastern corner. Defendants have no right over plaint schedule item No. 1 property. When plaintiff attempted to construct boundary fencing, defendants obstructed plaintiff. Defendants are attempting to

trespass into plaint schedule item No.1 property and commit waste therein. Hence the above suit for fixation of southern boundary of plaint schedule item No.1 property and for permanent prohibitory injunction restraining defendants from trespassing into plaint schedule item No.1 property, making any new construction therein and committing any waste therein.

3. Summons was served on defendants. They failed to enter appearance and were set exparte.

4. During the pendency of the suit, plaintiff conveyed plaint schedule property in favour of her daughter as per Settlement deed No.668/2024 of Cheppad SRO and she was impleaded as the second plaintiff. Power of attorney of second plaintiff was examined as PW1 and Exts.A1 to A5 and C1 series were marked.

5. Heard learned counsel for plaintiffs.

6. Plaint averments are reiterated in the proof affidavit of PW1. Ext.A1 is the certified copy of Sale deed No.220/2017 of Cheppad SRO. Ext.A2 is the kychit in EP.40/2017 of OS.44/2015 whereby first plaintiff obtained possession of plaint schedule item No.1 property. Ext.A3 is the tax receipt dated 15.12.2018 of Cheppad Village Office. Ext.A4 is the settlement deed No.668/2024 of SRO, Cheppad whereby first plaintiff conveyed plaint schedule item No.1 property to second plaintiff. Ext.A5 is the power of attorney. A perusal of Exts.A1 to A4 would show that plaintiffs are in exclusive possession and enjoyment of plaint schedule item No.1 property.

7. Plaintiffs approached this court to measure out plaint schedule properties and to fix the southern boundary of plaint schedule item No.1 property. Ext.C1 series is the mahazar, commission report and plan prepared by the commissioner. Ext.C1 commission report and plan has identified plaint schedule item No.1 and 2 properties. Plaint schedule item No. 1 property is identified as that lying within FGJKLMF. The boundary separating plaint schedule item No. 1 and 2 properties is identified as 'MLKJ' line. Plaintiffs are entitled to put up the southern boundary through this line. The apprehension of plaintiffs is well founded. On perusal of the proof affidavit and documents produced, which remain unchallenged, I am satisfied that plaintiffs have established their case. The unchallenged oral and documentary evidence is sufficient to grant a decree in favour of plaintiffs.

**In the result,** suit is decreed on the following terms:

1. The southern boundary of plaint schedule item No.1 property separating it with plaint schedule item No.2 property is fixed as 'MLKJ' line in Ext.C1(a) plan.
2. Plaintiffs are permitted to fix the boundary with the assistance of a Commissioner and Surveyor.
3. Defendants are restrained by a permanent prohibitory injunction from trespassing into plaint schedule item No.1 property, altering its present lie and nature, making any constructions therein and committing any waste therein.
4. Ext C1(a) plan shall form part of decree.
5. Defendants are directed to pay costs of the suit to plaintiff.

*Dictated to the Confidential Assistant typed by her, corrected and pronounced by me in the open court of this the 26<sup>th</sup> day of March, 2026.*

Sd/-

**Maneesha K Bhadran  
Munsiff**

**APPENDIX:**

**Witness for the Plaintiff**

PW1          19.03.2026          Gireesh Sadasivan

**Exhibits for the Plaintiff's side**

A1          14.02.2017          Certified Copy of sale deed No. 220/2017 of Cheppad SRO

A2          30.08.2017          Delivery Kycheet in EP 40/2017 of OS. 44/2015 of Munsiff Court Haripad.

A3          15.12.2018          Tax receipt no. 1064261 of Cheppad Village Office.

A4          29.05.2024          Settlement deed No. 668/2024 of SRO Cheppad.

A5          19.01.2026          Power of Attorney

**Court Exhibits**

C1          06.02.2026          Mahazar prepared by Advocate Commissioner U. Chandra Babu

C1(a)      09.02.2026          Commission Report prepared by Adv. Commissioner U. Chandra Babu.

C1(b)      7.02.2026          Survey plan prepared Smt. Nabeesath Beevi Panal Surveyor.

Id/-

**Munsiff**