

IN THE COURT OF THE MUNSIFF, HARIPAD

Present: Smt. Maneesha .K. Bhadran, Munsiff

Friday the 10th day of April, 2026/20th Chaithram, 1948

OS No.150/2024

(Filed on 06.05.2024)

Plaintiffs:

1. Pushparajan aged 64 years,
S/o Madhavan,
Pariyarathu padeettathil,
Muthukulam Thekkum Muri,
Muthukulam Village,
Karthikappally Taluk.
Pin 690506
2. Shilpa aged 36 years,
W/o Anil, Pariyarathu padeettathil,
Muthukullam Thekkum Muri,
Muthukulam Village,
Karthikappally Taluk.
Pin 690506.

(By Adv. M.Rajendra Gopinath)

Defendants:

1. Prasad aged about 45 years,
S/o Velayudhan,
Prasad Bhavanam,
Muthukulam Thekkum Muri,
Muthukulam Village,
Karthikappally Taluk,
Pin.690506.
2. Nisha prasad aged about 40 years,
W/o Prasad, Prasad Bhavanam,
Muthukulam Thekkum Muri,
Muthukulam Village,
Karthikappally Taluk,
Pin.690506.

(D1 and D2 Exparte)

This suit having been finally heard on 10.04.2026 and the court on the same delivered the following.

J U D G M E N T

Suit for permanent prohibitory injunction.

2. **Averments in the plaint in brief are as follows:-** Second plaintiff is the wife of the brother of first plaintiff. Plaint schedule item No.1 and 2 properties lying contiguously belongs to first and second plaintiffs respectively. First plaintiff obtained plaint schedule item No.1 property as per Settlement Deed No.389/2019 of Keerikadu SRO and is in exclusive possession and enjoyment of the same with residential building therein. Second plaintiff obtained plaint schedule item No.2 property on the south of plaint schedule item No.1 property as per Settlement Deed No.120/2018 of Keerikadu SRO. Plaint schedule item No.3 property is jointly obtained by plaintiffs as per Sale Deed No.899/2018 of Keerikadu SRO and is in their possession and enjoyment. Plaint schedule item No.3 property was purchased by plaintiffs for facilitating vehicular access to plaint schedule item No.1 and 2 properties by widening the existing footpath and the same terminates at the mid of plaint schedule item No.1 property. Second plaintiff is then accessing plaint schedule item No.1 property towards her residence. Plaint schedule item No.4 is the road accessed by plaintiffs since 2019 pursuant to purchase of plaint schedule item No.3 property. Defendants are residing on the south-west of plaint schedule item No.1 and 2 properties and they are accessing the footpath having a width of 1.63 metres on the eastern extremity of plaint schedule item No.4 road. The said pathway accessed by defendants is plaint schedule

item No.5 pathway. Plaint schedule item No.3 property was purchased by plaintiffs and adjoined to plaint schedule item No.5 pathway for facilitating vehicular access to their properties. Defendants have no right of access through plaint schedule item No.3 property. On 19.04.2024, defendants accessed plaint schedule item No.1 and 2 properties with a mini-lorry and parked the same in plaint schedule item No.2 property which was obstructed by first plaintiff. Defendants threatened plaintiffs to commit further act of trespass. Plaintiffs have not obstructed the access of defendants through plaint schedule item No.5 pathway. Defendants have no right of vehicular access through plaint schedule item No.4 pathway and obstruct the same. Hence the above suit for permanent prohibitory injunction restraining defendants from accessing plaint schedule item No.3 property with vehicles, parking vehicles in plaint schedule item No.1 to 3 properties and obstructing the enjoyment of plaintiffs over plaint schedule item No.3 property.

3. Summons was served on defendants. They entered appearance, but failed to file written statement and were set exparte.

4. First plaintiff was examined as PW1 and Exts.A1 to A7 and C1 and C2 series were marked.

5. Heard learned counsel for plaintiffs.

6. Plaint averments are reiterated in the proof affidavit of PW1. Ext.A1 is the copy of Settlement deed No.389/2019 dated 27.03.2019 of Keerikadu SRO. Ext.A2 is the certified copy of Sale deed No.899/2018 dated 11.07.2018 of Keerikadu SRO.

Ext.A3 is the copy of tax receipt of plaint schedule item No.3 property. Ext.A4 is the copy of Settlement deed No.120/2018 dated 19.01.2018. Ext.A5 is the copy of tax receipt dated 30.04.2024 of plaint schedule item No.2 property. Ext.A6 is the receipt of the complaint filed by the first plaintiff before Kanakakunnu police station on 19.04.2024. Ext.A7 is the copy of tax receipt dated 22.04.2024 of plaint schedule item No.1 property.

7. Ext. C1 commission report has identified plaint schedule properties and the existence of plaint schedule item No.5 pathway leading to the residence of defendants. The width of plaint schedule item No.5 pathway is identified as ranging from 1.40 metres to 1.50 metres. Plaint schedule item No.4 identified on the west of plaint schedule item No.1 property and terminating at its mid portion comprises of plaint schedule item No.3 and 5 properties. Plaint schedule item No.4 pathway is not proceeding south to the property of defendants. Ext.A2 would show that the property purchased by plaintiffs is on the west of the road having a width of 1.63 metres. It is also reported by advocate commissioner that if vehicles are parked in plaint schedule item No.3, the same would obstruct the ingress and ingress to the property of plaintiffs. Ext.C2 commission report would show that the boundary stones in plaint schedule item No.3 and 5 properties were removed and a coconut tree was uprooted. 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 plaintiff.

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

- 1) Defendants are restrained by a permanent prohibitory injunction from accessing plaint schedule item No.3 property with vehicles, parking vehicles in plaint schedule item No.1 to 3 properties and obstructing the enjoyment of plaintiffs over plaint schedule item No.3 property.
- 2) Defendants are directed to pay costs of the suit to plaintiffs.

Dictated to the Confidential Assistant typed by her, corrected and pronounced by me in the open court of this the 10th day of April, 2026.

Sd/-
Maneesha K Bhadran
Munsiff

APPENDIX:

Witness Examined for the Plaintiff

PW1 27.1.2026 Pushparajan

Exhibits for the Plaintiff

A1 27.03.2019 Copy of settlement deed No.389/2019 of Keerikkadu SRO.

A2 11.07.2018 Certified Copy of sale deed no.899/2018 of Keerikadu SRO.

- A3 22.4.2024 Copy of Tax receipt issued by Muthukulam Village.
- A4 19.1.2018 Certified Copy of settlement deed No 120/2018 of Keerikkadu SRO.
- A5 30.4.2024 Copy of Tax receipt issued by Muthukulam Village.
- A6 19.4.2024 Receipt of the complaint filed before Kanakakunnu police station.
- A7 22.4.2024 Copy of Tax receipt issued by Muthukulam Village.

Court Exhibits

C1 series

- C1 07.02.202 5 Commission report prepared by Advocate Commissioner Dishamol.D.
- C1(a) 07.02.2025 Mahazar prepared by Advocate Commissioner Dishamol.D.
- C1(b) 07.02.2025 Rough sketch prepared by Advocate Commissioner Dishamol.D.
- C2 Series
- C2 27.01.2026 Commission report prepared by Advocate ommissioner Dishamol.D.
- C2(a)27.01.2026 Mahazar prepared by Advocate Commissioner Dishamol.D.

Id/-

Munsiff