

**IN THE COURT OF THE MUNSIFF, HARIPAD.
Present: Smt. Maneesha K Bhadran., Munsiff
Monday, 5th January, 2026, 15th Pausham 1947
I A 1/2025 in OS. No.376/2025**

Filed on 4.11.2025

Petitioners/Plaintiffs/:

1. R. Bhaskaran Nair, aged 59 years,
S/o Late Raghava Panicker, Vilavolil,
Muthukulam. P.O, Muthukulam North,
Muthukulam Village, Karthikappally Taluk,
Alappuzha 690506.
2. Rajasree, aged 56 years,
W/o R. Bhaskaran Nair,
Vilavolil, Muthukulam. P.O,
Muthukulam North,
Muthukulam Village, Karthikappally Taluk,
Alappuzha 690506.
3. Athul Krishnan.B, aged 25 years,
S/o R. Bhaskaran Nair, Vilavolil,
Muthukulam. P.O, Muthukulam North,
Muthukulam Village, Karthikappally Taluk,
Alappuzha 690506.

(By Adv. M/s, Beno & Chythanya)

Respondent/Defendant:

Radhamany, aged 59 years,
W/o Late Vivekanadhan,
Radhalayam, Muthukulam. P.O,
Muthukulam North, Muthukulam Village,
Karthikappally Taluk, Alappuzha 690506.

(BY Adv. Vijayasree. V. V)

This petition having been heard on 18-12-2025 and the court on the 5/01/2026 passed the following:-

ORDER

Petition for temporary injunction restraining respondent from encroaching into the northern side of plaint B schedule property, preventing the vehicular access to plaint A schedule property, obstructing the enjoyment of plaint C schedule pathway and committing any waste therein.

2. **Petition averments in brief are as follows:-** Suit is one for permanent prohibitory injunction. Plaintiffs are the absolute owners of plaint A schedule properties as per Sale deed Nos.397/2011, 428/2015 and Gift deed No.1329/2007 of Keerikadu SRO. Plaint A schedule properties with a residential building therein are lying within specific boundary demarcations. Defendant is the owner of property on the north of the residence of plaintiff. Plaint B schedule property is the pathway lying in western direction from Shanti Junction- Kurumbakara temple road towards the residential building of plaintiffs. The extreme eastern portion of B schedule pathway having an approximate length of 1 metre from the public road comprised in resurvey No.409/8 having an extent of 33 sq.metres is purchased by first plaintiff as per sale deed No.816/22 of Keerikadu SRO. Plaint C schedule pathway is the footpath having a length of approximately 33 metres and width of 1 metre situated on the south of plaint B schedule pathway leading to the residence of respondent. Plaintiffs never obstructed the use of plaint C schedule footpath by respondent. Plaint C schedule pathway is a part and parcel of plaint B

schedule pathway. Respondent is attempting to ply vehicles through B schedule pathway. In September 2025, when plaintiffs developed plaint B schedule pathway by laying building materials, respondent prevented the same and filed complaint before Kanakakunnu Police Station and later at night removed the building waste there from. On 16.10.2025, respondent obstructed the entry of vehicles through plaint B schedule pathway. Plaintiffs now apprehend that respondent will obstruct the peaceful enjoyment of plaint B schedule pathway and encroach into its northern side adjoining plaint C schedule footpath and obstruct the ingress and egress of vehicles through the same. Hence the above petition.

3. Respondent filed objection stiffly opposing the above petition. It is denied that plaintiffs have exclusive right of way through plaint B schedule property and they have purchased the same. Plaint B schedule property is accessed by plaintiffs, defendant and their predecessors for over 90 years. The description of plaint C schedule property is not correct. Plaint B and C schedule pathway are lying contiguously and are accessed by defendant also. Plaintiffs have no prima facie case. Balance of convenience is not in favour of the plaintiffs. The above petition is devoid of merits and is liable to be dismissed.

4. The following points arise for consideration.

1. Whether petitioners have made out a prima-facie case

in support of the claim for interim injunction?

2. In whose favour the balance of convenience exist?
3. Whether the petitioners will be put to irreparable loss and injury if an order of injunction is not passed?
4. Whether the petitioners are entitled to get an interim injunction as prayed for?
5. Reliefs and costs?

5. From the side of petitioners, Exts.A1 to A5 and Ext.C1 series were marked. From the side of respondent, Ext.B1 series were marked.

6. Heard both sides.

7. **Point Nos.1 to 4:-** Suit is one for permanent prohibitory injunction restraining respondent from encroaching into the northern side of plaint B schedule property adjoining C schedule footpath and preventing the ply of vehicles to plaint A schedule property and from committing any waste therein.

8. The contention of plaintiffs is that they have exclusive right of way through plaint B schedule pathway and defendant is attempting to trespass into the same. Defendant on the other hand vehemently contend that plaint B schedule pathway is enjoyed by plaintiffs, defendant and their predecessors for over 90 years.

9. Ext.A1 is copy of Sale deed No.397/2011 dated 28.02.2011 of Keerikdadu, SRO. Ext.A2 is copy of Sale deed No.428/2015 dated 20.03.2015 of Keerikdadu SRO. Ext.A3 is copy of Gift deed No.1329/2007

dated 24.09.2007 of Keerikdadu SRO. Ext.A4 is the copy of tax receipts. Ext.A5 is the copy of sale deed No.816/22 of Keerikadu SRO.

10. Ext.C1 commission report has identified plaint B and C schedule pathway lying contiguously without any specific boundary demarcations. The existence of gravel and quarry waste, tyre marks in the pathway are also reported in Ext.C1 commission report. Whether plaintiffs have exclusive right of way through plaint B schedule pathway is a matter of evidence which has to be adjudicated after trial.

11. Considering the contentions of both sides, rather than allowing or dismissing the petition, an order as to status quo as per the commission report is sufficient for the interest of justice. Accordingly, I am satisfied that parties are to be directed to maintain the status quo as per Ext.C1 commission report till the disposal of the above suit. The above points are answered accordingly.

In the result, the above petition is disposed directing the parties to maintain status quo as per Ext.C1 commission report. Considering the facts and circumstances of the case, parties are directed to bear their respective costs.

Dictated to the Confidential Assistant, typed by her, corrected by me and pronounced in Open Court on this the day of 5th January, 2026.

Sd/-

Maneesha. K .Bhadran
Munsiff

APPENDIX:

Exhibits for Petitioners Side

A1	28/02/2011	Copy of sale deed No. 397/11 of Keerikadu
A2	20.03.2015	Copy of sale deed. No. 428/2015 of Keerikadu SRO.
A3	24.09.2007	Copy of Gift deed No. 1329/2007 of Keerikadu SRO
A4	14.10.2025	Copy of tax receipt issued from Village office Muthukulam.
A5	07.06.2022	Copy of sale deed No. 816/22 of Keerikad SRO .

Court Exhibits.

C1	5.11.2025	Commission report Mahzar prepared by Advocate Commissioner Risvana. V.P
C1(a)	5.11.25	Rough sketch prepared by Risvana. V. P

Exhibits for defendants Side

B1 series	Photographs (3 Set)
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Id/-
Munsiff