

IN THE COURT OF THE MUNSIFF, KAYAMKULAM

Present: Smt.Aneesa.A, Munsiff

Tuesday, the 24th day of March, 2026/ 3rd Chaithra 1948

ORIGINAL SUIT.89/2023

(Filed on 04.03.2023)

Plaintiff:

Abdul Hameed, aged 68 years,
S/o.Pookunju,
Hans Cottage,
Keerikkad South Muri,
Keerikkadu Village,
Karthikappally Taluk.

(By Adv.G.Ajith)

Defendants:

1. Hanson.A, aged 43 years,
S/o.Abdul Hameed,
Apartment No.623,
Vykath Apartment,
Keerikkad South Muri,
Keerikkadu Village.
2. Shobitha, aged 33 years,
W/o.Hanson,
Apartment No. 623,
Vykath Apartment,
Keerikkad South Muri,
Keerikkadu Village.

(Exparte)

This suit is having been finally heard on 24.03.2026 and the court on the same day delivered the following.

JUDGMENT

Suit for permanent prohibitory injunction.

2. **The case of the plaintiff is as follows:-** Plaintiff is the owner of the plaint schedule property and the building therein. The plaintiff purchased the plaint schedule property vide Sale deed No.539/2014 dated 04.04.2014 of Kareelakulangara S.R.O. The plaintiff mutated the plaint schedule property in his name and the property tax being paid by him. The plaintiff started to construct a residential building in the plaint schedule property and it is in the finishing stage. The 1st defendant is the son of the plaintiff and the 2nd defendant is the wife of the 1st defendant. The 1st defendant married the 2nd defendant on 30.12.2007 at Lathan's Auditorium at Kollam. After the marriage, the defendants resided along with the plaintiff and his wife in the house which was owned by the plaintiff. In that wedlock, two children were also born to the defendants. The plaintiff alienated the above said property and the building therein since 13

years back and gave its sale price equally to his daughter and son, the 1st defendant. After receiving the above said share, the defendants had shifted their residence separately from the plaintiff and his wife. Now the defendants are residing in Vykkath Apartments near College Junction, Kayamkulam. In the year 2014, the plaintiff had purchased 2.92 Ares of property comprised in re-survey No.17/107, 46/1-4, 46/1-8 and 46/2-2 of Keerikkad Village by virtue of Sale deed No.539/2014 through the S.R.O, Kareelakulangara and which is specifically scheduled hereunder as the plaint schedule property. In the plaint schedule property, the plaintiff has recently started the construction of a new building and the construction is finished and only the cleaning works are pending. The plaint schedule property and the building therein is in the absolute ownership and possession of the plaintiff. The defendants have no right or possession in the plaint schedule properties. Now the plaintiff is not in good terms with the defendants due to the reason that the defendants are not leading a harmonious family life and they always used to pick up quarrels with each other. Now the plaintiff has got reliable information that the defendants are trying to shift their residence from the above said

Vykkathu Apartments to the building in the plaint schedule property. Recently, the 1st defendant has started to behave in a cruel manner towards the plaintiff and the defendants even started addressing the plaintiff with filthy languages. On 25.02.2023, the 1st defendant demanded the plaintiff to execute and register a deed in his favour in respect of the plaint schedule property. The demand was turned down by the plaintiff at the threshold. Being aggrieved by the denial of the above said demand, the 1st defendant had threatened the plaintiff by saying that he will do away with the life of the plaintiff unless the plaintiff execute the deed as demanded by the 1st defendant. Since the 1st defendant is the son of the plaintiff, he did not lodge any complaint to the police for the above said threat raised by the 1st defendant. Now on 26.02.2023, the plaintiff reliably came to know that the defendants at any moment will trespass into the plaint schedule property and building and starts to reside there permanently by force. The plaintiff will not be in a position to reside in the plaint schedule property and building peacefully as the plaintiff desires. In order to protect the valuable rights of the plaintiff in the plaint schedule property, it has become necessary to restrain the defendants

by a decree of permanent prohibitory injunction from trespassing into the plaint schedule property and to take possession and to start a forceful residence in the plaint schedule building therein. Thus, the suit.

3. Though summons served to the 1st defendant, he did not appear and contest the suit. Hence the suit against him set ex parte vide order dated 04.04.2023. Though the 2nd defendant appeared through counsel, she failed to file written statement. Hence she was proceeded under Order VIII Rule 10 of the Code of Civil Procedure, 1908.

4. The plaintiff filed affidavit in lieu of examination in chief and he was examined as PW1. Exts. A1 and A2 were marked. Ext.C1 was marked as court exhibit. Ext. A1 is the certified copy of Sale deed No. 539/2014 dated 04.04.2014. Ext. A2 is the tax receipt dated 11.10.2022. The commission report filed as per the order in I.A.2/2023 is marked as Ext. C1. The unchallenged evidence of the plaintiff proved his case. Thus, the suit is liable to be decreed.

In the result, the suit is decreed as follows:-

- (a) The defendants No.1 and 2 are restrained by a decree of permanent prohibitory injunction from trespassing into the plaint schedule property or from taking possession or starting a forceful residence in the plaint schedule building therein.
- (b) The defendants No.1 and 2 shall pay costs of the suit to the plaintiff.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on 24th day of March, 2026)

Sd/-
ANEESA. A
MUNSIFF

APPENDIX:

Exhibits for the Plaintiff:-

- A1. 04.04.2014 : Certified copy of Sale deed No.539/2014.
A2. 11.10.2022 : Tax receipt.

Exhibits for the defendant: Nil.

Witness for the Plaintiff:-

PW1 02.03.2026 : P.Abdul Hameed.

Witness for the defendant: Nil.

Court Exhibits:

- C1. 04.03.2023 : Commission report and Mahazar prepared by Adv.M.Anakha Pillai.

Sd/-
MUNSIFF

// True Copy //

MUNSIFF

Typed by: Shafeek

Compd by: