

**IN THE COURT OF THE MUNSIFF, KAYAMKULAM**

Present: Sri.Bijukumar.C.R., B.Com., L.L.B, Munsiff

Friday, the 11<sup>th</sup> February 2019/ 22<sup>nd</sup> Magham 1940

**Common Order in I.A.2156/2018 & IA 2273/18 in OS.420/2018**

(Filed on 09.11.2018 & 24.11.18)

**I.A.2156/2018**

(Filed on 09.11.2018)

Petitioner/Plaintiff- Reghunath.S.Pillai, S/o Sukumar, Bose Nivas,  
Pullikkanakku muri, Krishnapuram Village.

(By Adv.Sri.M.R.Salim)

Counter petitioners/Defendants :1. Saradhamma, D/o Ponnamma,  
Nambeereath(Samrutham), Pullikkanakku muri,  
Krishnapuram Village.

2. Unnikrishna pillai, S/o Ramakurup,  
Nambeereath veedu of -do- muri.

(By Adv. Sri.P.Viswanathan)

**I.A.2273/18**

(Filed on 24.11.18)

Petitioners/Plaintiffs:- 1. Saradhamma, Nambeereath veedu,  
Pullikkanakku muri, Krishnapuram Village.

2. Unnikrishna pillai, S/o Ramakurup of -do-

(By Adv. Sri.P.Viswanathan)

Counter petitioner/Defendant:- Reghunath.S.Pillai, Bose Nivas,  
Pullikkanakku muri, Krishnapuram village.

(By Adv.Sri.M.R.Salim)

These petitions are having been finally heard on 06/02/2019 and the court on 11/02/2019 passed the following.

**COMMON ORDER**

I.A.No. 2156/'18 is an application filed by the plaintiff for temporary injunction under Order XXXIX, Rr. 1 and 2 r/w S. 151 of the Code of Civil Procedure, 1908 (for short, "the C.P.C"). I.A.No. 2273/'18 is an application filed by the defendants under Order XXXIX R. 4 of the C.P.C to vacate the order of temporary injunction granted on I.A.No. 2156/'18.

2. The averments in the affidavit in support of I.A.No. 2156/'18 are as follows:- The suit is for the reliefs of declaration and permanent prohibitory injunction. Plaint A schedule property belongs to the plaintiff/petitioner as item No. 3 in partition deed No. 276/1990 dated 01.02.1990. As per the said partition deed, an extent of 11.73 Ares comprised in the original survey number was allotted to the plaintiff and portions of the said property were taken to widen the road on the northern and western sides of the same, which were existed during the time of execution of the said partition deed. Leaving the said portions, an extent of 11.20 Ares is available on the spot and the same is described as plaint A schedule. During the time of execution of the said partition deed, there was a grove and kuriyala on the southwestern portion of plaint A schedule and the

parties to the said partition deed including the plaintiff had worshiped there by way of lamp-lit and observing other rituals. After the execution of the said partition deed, the plaintiff had constructed walls on the boundaries of plaint A schedule property and during that time, he had constructed compound wall around the said grove and kuriyala. While so, re-survey proceedings in respect of plaint A schedule and other properties was conducted. In the re-survey records, property having an extent of 92 Sq. Metres wherein grove and kuriyala situates in plaint A schedule was included in re-survey No. 147/1 and the remaining portion of plaint A schedule was included in re-survey No. 147/24. As per re-survey, the entire 11.20 Ares is in the absolute possession of the plaintiff and he is remitting land tax in respect of the same. The 2<sup>nd</sup> defendant/ 2<sup>nd</sup> counter-petitioner is the brother of the 1<sup>st</sup> defendant/ 1<sup>st</sup> counter-petitioner. The 2<sup>nd</sup> defendant has property on the adjacent eastern side of plaint A schedule property and he is permanently residing therein. On the adjacent southern side of his property, i.e., on the southeastern side of plaint A schedule, the 1<sup>st</sup> defendant has property and he is residing therein. The plaintiff was permanently resided with his family at Ahmadabad in Gujarat and Coimbatore for a continuous period of 30 years in connection with his

employment. Taking advantage of their absence at station, the defendant and one Bindulekha, who is residing in the property on the eastern side of the defendants' property, had started to travel through the southern extremity of plaintiff A schedule property from east to west direction occasionally from the panchayat road on the west to their respective properties. When the plaintiff reached station, he had questioned enjoyment of the said way, but certain mediators intervened in the matter and demanded him to provide right of way through plaintiff A schedule property. Consequently, the plaintiff had provided way having a width of 10 feet from southern extremity of plaintiff A schedule to the defendants and the said Bindulekha and the said way is described as plaintiff B schedule. The said way was provided through the southern side of the kuryala in plaintiff A schedule. The defendants have right of way including vehicular access only through plaintiff B schedule, which forms portion of plaintiff A schedule and the plaintiff has title over plaintiff B schedule. On the southern boundary of plaintiff A schedule leaving plaintiff B schedule, the petitioner had constructed a compound wall. The plaintiff has access to the kuryala in plaintiff A schedule through plaintiff B schedule way. Presently, the plaintiff and his family alone are worshiping in the kuryala in plaintiff A schedule.

The plaintiff has absolute right over the said kuryala and the defendants have no right over the same. The defendants need not enter into the kuryala in plaint A schedule. However, at about two weeks ago, the defendants approached the plaintiff and demanded him to stop using plaint B schedule for accessing plaint A schedule and to find an alternate access to the kuryala. Since the plaintiff refused the said demand, the defendants turned hostile to him. On 05.11.2018, the plaintiff had got reliable information that the defendants are attempting to obstruct him from accessing plaint B schedule for entering into the kuryala in plaint A schedule and to trespass into the kuryala and to commit mischief therein. It is in the said circumstances, the suit is instituted for restraining the defendants from committing the said acts. The I.A is filed for an order of temporary injunction pending the disposal of the suit.

3. The counter-petitioners/ the defendants had filed objection in the form of I.A.No. 2273/'18 with a prayer to vacate the order of temporary injunction granted on I.A.No. 2156/'18 raising the following averments:- The I.A for temporary injunction is not maintainable either in law or on facts. The averments in the I.A lack bona fide and the same are devoid of truth. Since the suit is not maintainable, the I.A is liable to be

dismissed. The plaint as well as the I.A are filed suppressing material facts. The affidavit in support of the I.A contains a false statement that the grove property including the kuryalas and Yogeewara temple belongs to the plaintiff. In fact, the said property is in the absolute possession and enjoyment of the defendants being the property belong to their family. In the said circumstances, institution of the suit is an abuse of the process of the court. The title holders including the plaintiff had executed and registered sale deeds in favour of the predecessor-in-interest of the defendants transferring the property and grove and delivered the properties covered under the said documents to the possession of the predecessor-in-interest of the defendants. Suppressing the said sale deeds, the plaintiff and his siblings had executed Deed partitioning the property covered under the said sale deed also with false boundary descriptions and property descriptions. On the basis of the said partition deed, which is a false and fabricated one, the plaintiff had instituted the present suit and an order of temporary injunction was obtained against the defendants by misleading the court. An extent of  $2 \frac{3}{4}$  cents of property and grove therein forms portion of the southwestern corner of 28 cents situates on the northern side of one cent extending from east to west forms the southern extremity of 29

cents in sub-division No. 3 extending from south to north on the western extremity of one Acre and 38 cents comprised in survey No. 2822/ 3 at Krishnapuram in Kayamkulam Village, which was in the possession and enjoyment of the plaintiff, his siblings, Sasikumar and Nandagopakumar and their mother, Gowri Amma as per sale deed No. 7184/ 1961 of the Kayamkulam Sub Registrar Office was transferred into the name of the sister of the mother of the defendants, Smt. Chellamma as per sale deed No. 3366 dated 08.11.1982 of the Kayamkulam Sub Registrar Office and thus, the said Chellamma was in possession and enjoyment of the said property and grove. Family members of the defendants had worshiped daily in the said grove by observing lamp-lit. On the said date itself, i.e., on 08.11.1982, the plaintiff, his siblings and their mother had executed sale deed No. 3367/1982 in favour of Sri. Sasidharan Pillai, who is the brother of the defendants, transferring half cents of property situated on the northern side of the public way having a width of 5 links extending east to west forms the southern extremity of 29 cents in sub-division No. 3 extending from south to north on the western extremity of the above said one acre and 38 cents. As per the said sale deed, the said property belongs to the said Sasidharan Pillai and the same is being used for ingress and

gress to Nambeerethu property, wherein the family residence of himself and the defendants situates, from the panchayat road on the west. At present, the said way having a width of 20 metres extending from east to west has an average width of 12 feet. Since all the members of Nambeerethu family should have observed poojas and rituals in the said grove, the said Chellamma had executed Udambady No. 820/ 1995 dated 10.03.1995 of the said Sub Registrar Office in favour of her younger sister, Ponnamma D/o Karthyayani, who is the mother of the defendants, which contains provisions that the property wherein the grove situates commonly belong to the members of Nambeerethu family and their successors and that deities are to be consecrated into the said grove for rituals and poojas and rituals like daily lamp-lit are to be performed by the persons including the defendants, who are the residents of Nambeerethu house. As per the provisions of the said agreement, in the year 1995 itself, the family members including the defendants had conducted consecration of serpent deity in the said grove and constructed kuryala, Yogeeswara temple, Chithrakoodam and worship place for Bhadrakali therein. They had constructed granite foundation on the western side of the grove property separating the same from the panchayat road and erected wall having a

height of 5 feet and a length of 10 Metres on the same. Separating the way on the south, they had constructed compound wall having a length of 9 Metres and a height of one Metre. Further, on the eastern boundary of the said property, they had erected wall having a length of 9 Metres and a height of one Metre leaving the entrance portion to the grove. On the northern boundary of the grove property, a compound wall having a length of 9 Metres and a height of 1 ½ Metres was erected separating the property of the plaintiff. Thereafter, the counter-petitioners are performing poojas and worship by way of lamp-lit in the said grove on every day. The grove property can be accessed from the road on the south by travelling through a way having a length of 8 Metres and a width of 2 ½ feet towards north through the property of the defendants, which portion situates on the adjacent eastern side of the half wall on the eastern side of the grove property. The defendants had erected an iron gate at the said entrance portion to the grove. Subsequently, after certain years, adjacent to the half wall on the northern side of the grove property, extending from east to west, and up to the gate portion from the northeastern side and then towards south extending up to the way on the south and leaving the said way to the grove from the road on the south, a wall having a height of 6

feet was constructed on the southern boundary of the property of the plaintiff extending from east to west. Further, the plaintiff had constructed a slab wall having a height of 6 feet extending from south to north on the western boundary of his residential plot, which extends up to the wall constructed by the defendants on the western boundary of the grove property. The suit and the I.A are filed suppressing material facts regarding deed Nos. 3366/ 1982 and 3367/ 1982, which were executed in respect of the grove and the say situates on its adjacent southern side and deed No. 820/ 1985, which was executed based on deed No. 3366/ 1982 and the constructions made by the defendants in the grove and the details of daily worship being offered by the defendants in the grove. All the averments in the affidavit in support of the I.A except those which are specifically admitted in the written objection are false and hence denied. The averments in paragraph No. 3 of the affidavit are false and misleading and they are denied. The grove property is well-separated from the property of the plaintiff. The said property, which has strong compound walls on all the 4 boundaries, which were constructed by the defendants, and the plaintiff has no title or possession over the same. Plaint A schedule property was wrongly scheduled including the said grove also. The 3<sup>rd</sup>

schedule in the partition deed relied on by the plaintiff was described including 92 Sq. Metres wherein grove situates and way having an extent of 53 Sq. Metres, which was conveyed by persons including the plaintiff in favour of the brother of the defendants as per deed No. 3367/ 1982. The roads on the northern and western boundaries of the plaint schedule property carries the present width for more than 50 years and in the said circumstances, the statement that the plaintiff had got 11.73 Ares as per partition deed and portions of the same was taken for widening the above said roads and leaving the said portions, the plaintiff is in possession of 11.20 Ares on the spot is not correct and hence denied. Registration of a false partition deed including grove property also by suppressing execution and registration of two documents in favour of Smt. Chellamma and the mother of the defendants is a severe criminal offence. On the strength of the said partition deed, the plaintiff influenced revenue officials and without deducting the said property from the thandaper account of the defendants and others, the same also was mutated and the said mutation has no legal force. On the basis of the documents in favour of the defendants and their predecessors-in-interest and their separate possession, the grove property was separately measured out and re-survey records

were prepared. True facts being so, the statement that the parties to the partition deed relied on by the plaintiff are performing lamp-lit in the grove and the plaintiff had erected compound walls to the said property are incorrect and hence denied. The plaintiff or the other sharers in the said deed, who are not members of Nambeerethu Family, need not perform lamp-lit in the said property. Several years after the defendants had constructed compound walls on the boundaries of the grove, the plaintiff had constructed slab wall separating the grove and on the southern half of the eastern boundary of his property separating the way leading to the grove, which emanates from the way on the south. Property belongs to Nambeerethu Family situated on the eastern side of the residential plot of the plaintiff. Except the defendants, their brother Sasidharan Pillai and their niece are also residing in the said property. The statements that taking advantage of the situation that the plaintiff was not at station, the defendants and others had occasionally travelled through the southern extremity of plaintiff A schedule to Nambeerethu Family property from the panchayat road on the west and when the petitioner questioned the same, mediators intervened in the matter and demanded to provide right of way to them and consequently, way having a width of 10 feet was provided by

the plaintiff and plaint B schedule forms portion of plaint A schedule and the title of the entire property is vested with the plaintiff and the plaintiff access the property wherein the 'kuryala' situates through plaint B schedule are false and hence denied. The same are contrary to the execution of sale deed No. 3367 dated 08.11.1982 executed by the plaintiff and others in favor of Sri. Sasidharan Pillai, who is a member of Nambeerethu Family and brother of the defendants. The statements that the plaintiff and others are worshiping in the 'kuryala' in the grove by way of lamp-lit and all the rights over the same are vested with the plaintiff and the defendants have no right over the same and they need not enter into the 'kuryala' and the defendants attempted to obstruct user of plaint B schedule way to access plaint A schedule and because the plaintiff resisted the said demand, the defendants are on inimical terms with him and the defendants are attempting to obstruct the plaintiff and to trespass into the 'kuryala' are false and hence denied. The plaintiff has no right over the property wherein the grove and 'kuryala' situate and till the date, he has not entered into the said grove or performed lamp-lit therein. Since he has no right over the property wherein the grove situates, he had constructed slab wall having a height of 6 feet separating his residential plot and the

property of the grove beyond the compound wall of the grove and provided no access to the residential plot from the grove. The plaintiff and his family have an ulterior motive to cause hardships to the defendants and their family, who are leading a decent life according to their family tradition. Since the rituals and worship being conducted by way of lamp-lit at grove and serpent deity and consecration of presence of 'bhadrakali' for several years being interrupted due to the order of the court, the defendants and other family members are leading a life with utmost tension and worries. The plaintiff has no prima facie case and the balance of convenience is in favour of the defendants. Therefore, the order of temporary injunction granted on I.A.No. 2156/'18 ought to be vacated lest the defendants would suffer irreparable hardships and loss.

4. The plaintiff had filed objection to I.A.No. 2273/'18 raising the following averments:- The I.A is not maintainable either in law or on facts. The averments in the I.A lack bona fide and the same are devoid of truth. The I.A is filed raising false, fabricated and baseless allegations. The suit is instituted for declaration and for permanent prohibitory injunction. The court ordered a temporary injunction on I.A.No. 2156/'18 and the same is in force. Plaintiff A schedule belongs to the plaintiff as per partition deed No.

276/ 1990 dated 01.02.1990. A 'kuryala' belongs to the plaintiff situated on the southwestern portion of plot A schedule and himself and his siblings are performing worship therein. The said portion wherein 'kuryala' situated has an extent of 92 Sq. Metres comprised in re-survey No. 147/1. The plaintiff had permitted right of way of the defendants and others through 10 feet from the southern extremity of plot A schedule and the said portion is described as plot B schedule. Despite the said permission, title over the said portion is vested with the plaintiff. Title over the above said property having an extent of 92 Sq. Metres also is vested with the plaintiff. The plaintiff or his predecessors-in-interest have not executed any document in favour of the defendants or their predecessors-in-interest in respect of the above said 92 Sq. Metres or plot B schedule. Documents styled as sale deed Nos. 3366 and 3367 dated 08.11.1982 produced by the defendants, which were produced as documents purported to have been executed by the plaintiff and his two brothers and their mother, Radhamma, are forged documents. True that the name of the said persons including the plaintiff are there in the said documents. However, names of the brothers of the plaintiff are stated wrongly in the said document. He has no such brothers named 'Sasikumar' and 'Nandagopakumar'. Names

of the brothers of the plaintiff are 'Sasidharan @ Muraleedharan' and 'Nandakumar'. The signatures and thumb impressions shown in the said documents does not belong to the plaintiff and his siblings. The said documents does not contain any signature corresponding to the name of Sasikumar @ Muraleedharan. The said documents reveal that the same were purported to have been executed in respect of properties under the co-ownership of 4 persons. Since the same does not contain the signatures of one among them, the said documents are void. Therefore, the defendants or any other person would not acquire any right over the properties covered under the said documents. The registration of the said documents was before the implementation of the rules regarding affixture of photographs of the parties to the documents in the Deeds and inclusion of details of identity cards in the recitals therein. For the said reason, forgery of documents by way of impersonation in connivance with sub registrars was possible during the said period. During the time of the alleged execution of the said documents, the plaintiff was permanently resided at Gujarat in connection with his employment. Two brothers of the plaintiff also was not at station during the said period. In the said circumstances, the documents relied on by the defendants were forged by the defendants and their

predecessor-in-interest, Smt. Chellama by engaged in criminal conspiracy and influencing the concerned sub registrars by giving bribery. The plaintiff came to know about the said documents only on 24.11.2018. Partition deed No. 276/ 1990 dated 01.02.1990 contains correct signatures and thump impressions of the plaintiff and his brothers, Sri. Nandakumar and Sri. Sasidharan. The other documents executed by the mother of the plaintiff contain her correct signatures and thump impressions and the plaintiff is ready to produce those documents as and when directed by the court. Document No. 820/ 1995 dated 10.03.1995, which was executed on the basis of Deed Nos. 3366/ 1982 and 3367/ 1982 also is void. On the basis of the said three documents, the defendants are not entitled to claim any right over plaint A schedule property and therefore, on the basis of the said documents, the order of temporary injunction granted in favour of the plaintiff is not liable to be vacated. The statement that the defendants are worshipping in the kuryala situated in the property having an extent of 92 Sq. Metres, which forms portion of plaint A schedule property, is not correct and hence denied. The plaintiff had constructed the compound walls on the sides of the said 92 Sq. Metres of property. The statement that the defendants had constructed the same is false and hence denied. None of

the predecessors of the defendants had possession over the property wherein the grove and kuryala situates and the contrary statements are false. I.A.No. 2273/'18 is liable to be dismissed with costs.

5. The following points are formulated for consideration:-

1. Among the plaintiff and the defendants, who is/ are in possession of the kuryala and grove, which are situated in 92 Sq. Metres of property comprised in re-survey No. 147/1 ?
2. Among them, who is/ are performing worship in the said kuryala and grove ?
3. Whether the plaintiffs have a prima facie case ?
4. In whose favour, balance of convenience lies ?
5. Whether the petitioner would suffer irreparable hardships if order of injunction on I.A.No. 2156/'18 is refused ?
6. Reliefs and costs ?

6. Exts. A1 to A5 are marked on the side of the plaintiff/ petitioner on I.A.No. 2156/'18. Exts. B1 to B9 are marked on the side of the defendants/ counter-petitioners on the said I.A. The commission report and rough sketch on I.A.No. 2157/'18 are marked as Exts. C1 and C1 (a) respectively. Heard both the sides.

7. Point Nos. 1 to 5 :- For the sake of convenience, these points are considered together. Admittedly, the property having an extent of 92 Sq.

Metres in re-survey No. 147/1 situates within separate boundaries. The fact that there is a kuryala and grove also is admitted. The plaintiff claims that the said property forms integral portion of his plaint A schedule whereas the defendants contended that the same belong to themselves as per Ext. B1 sale deed executed by the plaintiff and his brothers and their mother, Smt. Radhamma in favour of the predecessor in interest of the defendants, Smt. Chellamma, who is the sister of their mother, and Ext. B3 Udampady executed by the said Chellamma in favour of the mother of the defendants. Admittedly, plaint B schedule way situates on the adjacent southern side of the said kuryala and the same proceeds towards the family property of the defendants. The plaintiff contends that the said way also forms portion of plaint A schedule whereas the defendants resisted the said claim contending that the same belongs to their brother, Sri. Sasidharan Pillai, as per Ext. B2 sale deed executed by the vendors in Ext. B1 on the date of execution of the said deed itself. The plaintiff raised an allegation that Exts. B1 and B2 sale deeds are forged. Apart from that, the plaintiff contended that plaint B schedule way was surrendered by him to the defendants and others for accessing their family properties and he is also using the very same way to reach the kuryala for obtaining worship. Thus, the plaintiff as

well as the defendants are claiming title over the worship place situated in the said 92 Sq. Metres of property comprised in re-survey No. 147/1 and plaintiff B schedule way passes through the southern side of the said property.

8. Exts. B1 and B2 are very old documents registered in the year 1982. One person cited therein as executant, Sri. Sasikumar had not signed the said documents. The contention put forward by the plaintiff is that himself and his brothers and mother had not put their signatures in the said documents and the same are forged. Raising the said contention, he had filed I.A.No. 2353/'18 for sending the said documents for comparison to an expert. In order to lay foundation to his argument that the said documents are forged, the plaintiff relied on Ext. A1, photocopy of partition deed and Exts. A4 and A5 photocopies of sale deed Nos. 936/ 1989 and 1183/'11, which contain signatures of the persons shown as executants in Exts. B1 and B2. In the said context, Exts. C1 and C1 (a), commission report and rough sketch have significance so far as the present possession of the property having an extent of 92 cents situate as grove is concerned. From Exts. C1 and C1 (a), it can be seen that the 'kuriyala' remains well-separated from the remaining portion of plaintiff A schedule with compound

walls on all its four sides. There is no entrance to the 'kuriyala' from the residential portion of the plaintiff. From Ext. C1, it can be seen that for reaching the 'kuriyala', the plaintiff should travel through the road on the western side of plaint A schedule and then proceeds through plaint B schedule, which originates from the said road and passes through the southern side of 'kuriyala'. From Exts. C1 and C1 (a), it can be seen that there is a side wall having a height of 85 cm on the southern side of the 'kuriyala' separating the pathway having a width of 80 cms, which originates from plaint B schedule on the south. From Ext. C1 and C1 (a), it can be seen that there is slab wall on the eastern side and northern end of the said way separating the residential plot of the plaintiff. Ext. B8 photograph also proves the said lie of the properties. It is pertinent to note that the plaintiff had constructed such slab walls despite the fact that provision for access to the 'kuriyala' can be made through the said portion directly from his residential plot. At this stage, there is nothing material to prove the possession of the plaintiff or the defendant over the 'kuriyala' and it is not possible to conclude that between them, who are performing lamp-lit therein. From the pleadings on either side, it can be seen that there is no specific mode of rituals or 'thanthram' vested on any family to direct

that the ceremonies in the grove should be observed in a particular manner. Evidence adduced in the case through the affidavits on either side and Ext. C1 commission report proves that what is following in the grove is mere lamp-lit and the same does not have the backing of any rituals being usually followed in temples, i.e., 'kshetra acharams'. The questions regarding title and possession of the plaintiff and the defendants over the 'kuriyala' portion having an extent of 92 Sq. Metres and that who is performing lamp-lit in the grove can be decided only after adducing evidence in an effective trial. However, that is not a ground to disturb the daily worship in the grove by performing lamp-lit. It is found that the plaintiff as well as the defendants can be permitted to perform lamp-lit in the grove. The worship in the said manner would cause no hardships because the grove lacks observation of any traditional or customary temple rituals or ceremonials based on 'kshetra acharams'. Points are found accordingly.

9. Point No. 6:- On point Nos. 1 to 5, it is found that the plaintiff as well as the defendants can be permitted to perform lamp-lit in the grove comprised in re-survey No. 147/ 1 and both the parties are liable to maintain status of the plaint schedule properties as reported by the

commissioner in Exts. C1 and C1 (a). Considering the facts and circumstances, the parties are liable to bear their respective costs.

In the result, I.A.Nos. 2156/ '18 and 2273/ '18 are disposed of directing both the sides to maintain status of the plaint schedule properties as reported by the commissioner in Exts. C1 and C1 (a), i.e., the commission report and rough sketch on I.A.No. 2157/ '18 and allowing the plaintiff as well as the defendants to worship in the grove comprised in re-survey No. 147/ 1 by performing lamp-lit. Parties are directed to bear their respective costs.

*(Dictated to the confidential assistant, transcribed and typed by her, corrected and pronounced by me in open court on 11<sup>th</sup> day of February, 2019.)*

BIJUKUMAR.C.R.,  
MUNSIFF

### Appendix

#### Exhibits for the petitioner:-

- |    |          |   |  |
|----|----------|---|--|
| A1 | 01.02.90 | - | Photocopy of Partition deed entered into by Prasannakumar and others.                                  |
| A2 | 20.10.18 | - | Tax receipt.   |
| A3 | 20.10.18 | - | Tax receipt.   |
| A4 | 27.4.89  | - | Photocopy of Sale deed executed by Vijayakumar in favour of Muraleedhara Menavan.                      |
| A5 | 26.5.11  | - | Photocopy of Sale deed executed by Thulaseedharan pillai and others in favour of Reghunath and others. |

Exhibits for the defendant:-

- |    |          |   |  |
|----|----------|---|--|
| B1 | 8.11.82  | - | Sale deed executed by Reghunath in favour of Radhamma.                     |
| B2 | 8.11.82  | - | Sale deed executed by Reghunath infavour of Radhamma.                      |
| B3 | 10.3.95  | - | Agreement executed by Chellamma in favour of Ponnamma.                     |
| B4 | 8.11.82  | - | Sale deed executed by Reghunath in favour of Chellamma.                    |
| B5 | 30.12.61 | - | Sale deed executed by Soman and others in favour of Janakiamma and others. |
| B6 | -        | - | Photo.   |
| B7 | -        | - | Photo.   |
| B8 | -        | - | Photo.   |
| B9 | -        | - | Photo.   |

Court Exhibits:-

- |       |         |   |  |
|-------|---------|---|--|
| C1    | 1.12.18 | - | Report and mahazar prepared by commissioner Adv.Smt.Sunitha.T. |
| C1(a) | 1.12.18 | - | Rough sketch.  |

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