

IN THE COURT OF THE MUNSIFF CHENGANNUR
Present : Smt. Amala Lawrence, Munsiff
Tuesday 31st day of March 2026 / 10th Chaitra 1948

OS 219/2012, OS 110/2013 and OS 313/2014
(Joint trial allowed as per order in IA 472/2017 order dated 01.11.2017)

OS 219/2012
 (Filed on 01.08.2012)

- Plaintiffs:**
1. Janaki, aged 88 years, (Died)
 W/o Govindan, Kanjiramnilkkunnathil,
 Kizcherimel Muri, Chengannur Village.
 2. Soman, aged 58 years,
 S/o Govindan, Kanjiramnilkkunnathil,
 Kizcherimel Muri, Chengannur Village.
- Addl.P3 Vijayappan, aged 65 years,
 Kollamtharayil Veettil,
 Kizcherimel Muri, Chengannur Village.
- Addl.P4 Rajendran, aged 60 years,
 Kollamtharayil Veettil,
 Kizcherimel Muri, Chengannur Village.
- Addl. P5 Chandrika, aged 58 years,
 Kollamtharayil Veettil,
 Kizcherimel Muri, Chengannur Village.
- Addl.P6 Retnamma, aged 56 years,
 Kollamtharayil Veettil,
 Kizcherimel Muri, Chengannur Village.

Addl.P7 Remani Balachandran, aged 54 years,
Kollamtharayil Veettil,
Kizcherimel Muri, Chengannur Village.

Additional P3 to P7 impleaded as the legal heirs of deceased P1 as per order dated 19.02.2022 in IA 1/2022.

(By Adv.R.Vijaya Kumar)

Defendants : 1. Bhanumathi, aged about 76 years, (Died)
D/o Idikkali, Kollamtharayil
From Kanjiramnilkkunnathil,
Kizcherimel Muri, Chengannur Village.

Addl.D2 Rajendran,
Kanjiramnilkkunnathil Veettil,
Kizcherimel Muri, Chengannur Village.

Addl.D3 Rajamma,
Kanjiramnilkkunnathil Veettil,
Kizcherimel Muri, Chengannur Village.

Addl.D4 Vijayan,
Kanjiramnilkkunnathil Veettil,
Kizcherimel Muri, Chengannur Village.

Addl.D5 Valsala,
Kanjiramnilkkunnathil Veettil,
Kizcherimel Muri, Chengannur Village.

Addl.D6 Lathika,
Kanjiramnilkkunnathil Veettil,
Kizcherimel Muri, Chengannur Village.

Impleaded as legal heirs of deceased D1 as Addl.D2 to D6 as per order in IA 1706/2018 dated 01.02.2019.

(Exparte)

OS. 110/2013
(Filed on 12.04.2013)

Plaintiff:

Rajendran, aged 48 years,
S/o Nanu, Kollamtharayil,
Kizcherimel Muri, Chengannur Village,
Chengannur Taluk, Alappuzha District.

(By Adv. C.N Ammanchy)

Defendants :

1. Bhanumathi, aged 80 years, (Died)
W/o late Vasukuttan,
Kollamthara Vadakkethil,
From Kanjiramnilkkunnathil Vadakkethil,
Kizcherimel Muri, Chengannur Village,
Chengannur Taluk, Alappuzha District.
2. Rajendran,
S/o late Vasukuttan,
Kollamthara Vadakkethil,
From Kanjiramnilkkunnathil Vadakkethil,
Kizcherimel Muri, Chengannur Village,
Chengannur Taluk, Alappuzha District.

Addl.D3

Rajamma,
Kanjiramnilkkunnathil Veetil,
Kizcherimel Muri, Chengannur Village.

Addl.D4 Vijayan,
 Kanjiramnilkkunnathil Veetil,
 Kizcherimel Muri, Chengannur Village.

Addl.D5 Valsala,
 Kanjiramnilkkunnathil Veettil,
 Kizcherimel Muri, Chengannur Village.

Addl.D6 Lathika,
 Kanjiramnilkkunnathil Veetil,
 Kizcherimel Muri, Chengannur Village.

Additional D3 to D6 are impleaded as legal heirs of deceased D1 in
IA 1708/2018 dated 01.02.2019.

(Exparte)

OS. 313/2014

(Filed on 03.09.2014)

Plaintiffs:

1. Janaki Amma, aged 85 years, (Died)
Kanjiramnilkkunnathil,
Kizcherimel Muri, Chengannur Village.

Addl.P2 Soman, aged 63 years,
 Kollamtharayil Veettil,
 Kizcherimel Muri, Chengannur Village.

Addl.P3 Vijayappan, aged 65 years,
Kollamtharayil Veetil,
Kizcherimel Muri, Chengannur Village.

Addl.P4 Rajendran, aged 60 years,
Kollamtharayil Veettil,
Kizcherimel Muri, Chengannur Village.

Addl.P5 Chandrika, aged 58 years,
Kollamtharayil Veettil,
Kizcherimel Muri, Chengannur Village.

Addl.P6 Retnamma, aged 56 years,
Kollamtharayil Veettil,
Kizcherimel Muri, Chengannur Village.

Addl.P7 Remani Balachandran, aged 54 years,
Kollamtharayil Veettil,
Kizcherimel Muri, Chengannur Village.

Additional P2 to P7 impleaded as the legal heirs of deceased P1 as per order dated 19.02.2022 in IA 01/2022.

(By Adv. A.V.Suresh)

Defendants : 1. Sulekha, aged 39 years,
D/o Madhavan,
Valiyaparambu Vadakkethil Veettil,
Kizcherimel Muri, Chengannur Village,
Chengannur Taluk.

Addl.D2. Suresh, aged 40 years,
Valiyaparambu Vadakkethil Veettil,
Kizcherimel Muri, Chengannur Village,
Chengannur Taluk.

Additional D2 is impleaded as per order in IA 406/2016 order dated 01.02.2019.

(Exparte)

These Suits having been finally heard on 30.03.2026 and the court on 31.03.2026 delivered the following

COMMON JUDGMENT

OS 219/2012 is filed for fixation of boundary and OS 110/2013 and OS 313/2014 are filed for permanent prohibitory injunction. Joint trial was conducted in OS.219/2012, OS.110/2013 and in OS 313/2014 as per Order in IA.472/2017, OS 219/2012 is taken as the leading case.

OS 219/2012

2. **Plaint averments, in brief, are as follows:-** The plaint schedule Item No.1 property originally belonged to Govindan, the father of the second plaintiff, who was the husband of the first plaintiff, and devolved upon him by virtue of Partition Deed Nos. 2074/1119 and 3329/1966, executed among Govindan, his father, mother, and siblings. The properties allotted to Lekshmi and Janaki, the sisters of Govindan, under Partition Deed No. 2074/1119, were subsequently purchased by Govindan and the first plaintiff. After the demise of Govindan, the said property has devolved upon and is now in the absolute ownership and possession of the first plaintiff and her children. The defendant is the brother of the husband of the first plaintiff. The plaint schedule

Item No. 3 property is in the ownership of the defendant. The property belonging to the first plaintiff by virtue of Sale Deed No. 2119/1089, having an extent of 15 cents, lies on the eastern side of plaintiff schedule Items Nos. 1 and 3, and the same is described as plaintiff schedule Item No. 2 property. The plaintiff schedule Items Nos. 1 and 3 properties lie as a single plot without any proper boundary demarcation. The plaintiffs approached the defendant for fixation of the boundary between the plaintiff schedule properties, but the defendant refused the same on untenable grounds. The defendant has right only over 8 cents of property by virtue of Partition Deed No. 2074/1119. The plaintiffs have received reliable information that the defendant and his son, by creating forged documents, are attempting to alienate plaintiff schedule Item No. 3 property by annexing a portion of plaintiff schedule Item No. 1 and 2 properties. The defendant has no manner of right to trespass into plaintiff schedule Item No. 1 and 2 properties or to annex any portion thereof. Hence, it has become necessary to fix the boundary between plaintiff schedule Item Nos. 1, 2 and 3 properties based on Re-survey Nos. 250/14 and 250/13 and Deed Nos. 2119/1089, 2074/1119, and 3329/1966. Therefore, this suit is filed for fixation of boundary.

OS.110/2013

3. **Plaint averments, in brief, are as follows:-** The

plaint schedule Item No.1 property originally belonged to the father of the plaintiff, and after his death, the same has been in the possession of the plaintiff for himself and on behalf of his mother and other siblings. The property of the defendant is situated on the western side of the plaint schedule Item No.1 property, and the same is described as plaint schedule Item No.2 property. For ingress to and egress from plaint schedule Item No.2 property, there exists a pathway as mentioned in the title deed of the defendant. On 07.04.2013, the defendants and their men attempted to cut open a new pathway through the eastern side of plaint schedule Item No.1 property. The defendants also threatened the plaintiff that they would form a new pathway through the same. On the eastern side of plaint schedule Item No.1 property lies a water channel, which is described as plaint schedule Item No.3 property. There is pitching separating plaint schedule Item No.1 property from plaint schedule Item No.3 water channel. The defendants cut open a new pathway through the said pitching, though they have no manner of right to do so. Hence, the suit is filed for permanent prohibitory injunction.

OS. 313/2014

4. **Plaint averments, in brief, are as follows:-** The plaint schedule property originally belonged to Govindan, the husband of the plaintiff, by virtue of Sale Deed No. 2119/1089.

After the death of Govindan, the said property devolved upon and is now in the absolute ownership and possession of the plaintiff and her seven children. On the western side of the plaint schedule property lies the property of the defendant. There exists a pathway on the southern side for access to the defendant's property. The defendant purchased his property from Bhanumathi by virtue of Sale Deed No. 2673/2010, and as per the said deed, there is a pathway having a width of 1 metre for ingress to and egress from the defendant's property. In spite of the existence of the said pathway, the defendant attempted to cut open a new pathway through the plaint schedule property. The defendants made such attempt for the purpose of constructing a new building in their property. The defendant has no manner of right to open a new pathway through the plaint schedule property. Hence, the suit is filed for permanent prohibitory injunction.

5. The defendants filed a written statement, and necessary issues were duly framed. However, the defendants did not contest the suit at the stage of trial, and they were set ex parte.

6. The points to be decided is:-

- I. Is the plaintiff in OS. 219/2012 is entitled to a decree of fixation of boundary as sought for?
- II. Is the plaintiff in OS. 110/13 entitled to a decree of permanent prohibitory injunction as sought for?

III. Is the plaintiff in OS. 313/2014 entitled to a decree of permanent prohibitory injunction as sought for?

IV. Reliefs and Costs?

7. To prove the case of plaintiffs, the 2nd plaintiff in OS.219/12 filed proof affidavit in lieu of examination in chief and he was examined as PW1 and Exts. A1, A2, A3 series and Ext.A4 documents were marked. The commission report, Mahazar and plan prepared as per order in IA.2520/2015 in OS.219/2012 were marked as Ext.C1 series. The commission report, Mahazar and rough sketch prepared as per order in IA.661/2013 in OS.110/2013 were marked as Ext.C2 series. The commission report, Mahazar and rough sketch prepared as per order in IA.1240/2014 in OS.313/2014 were marked as Ext.C3 series.

8. Heard the learned counsel for the plaintiff.

9. **Point Nos. I to III:-** Since all the points are interconnected, they are considered together herein. The second plaintiff in O.S. No. 219/2012 is also the additional second plaintiff in O.S. No. 313/2014 and the power of attorney holder of the plaintiff in O.S. No. 110/2013. In order to prove the case of the plaintiffs, the said second plaintiff filed a proof affidavit in lieu of examination-in-chief and was examined as PW1, deposing in accordance with the averments contained in the plaint. Exts. A1, A2, and A3 series and Ext A4 were marked in evidence. The

certified copy of Partition Deed No. 2074/1119 was marked as Ext. A1. The certified copy of Sale Deed No. 2119/1089 was marked as Ext. A2. Tax Receipt Nos. 2691748 and 2691749 dated 12.12.2011 of Chengannur Village were marked as Ext. A3 series. The Power of Attorney dated 17.05.2013 executed by the plaintiff in O.S. No. 110/2013 in favour of the second plaintiff in O.S. No. 219/2012 was marked as Ext. A4. The oral testimony of PW1, read along with Exts. A1, A2, and Ext. A3 series, establishes that the plaint schedule item Nos. 1 and 2 properties in O.S. No. 219/2012, the plaint schedule item No. 1 property in O.S. No. 110/2013, and the plaint schedule property in O.S. No. 313/2014 are in the absolute ownership and possession of the respective plaintiffs. Further, the commission report, mahazar, and rough sketch marked as Ext. C2 series and Ext. C3 series corroborate the case of the plaintiffs in O.S. No. 313/2014 and O.S. No. 110/2013. Moreover, O.S. No. 219/2012 is filed for fixation of boundary, and the plaintiff has relied upon Ext. C1 series. Thus, the averments in the plaint stand proved by the deposition of PW1, the proof affidavit, and the documentary evidence, namely Exts. C1 series to C3 series. Since the defendant has neither contested the claim nor adduced any evidence, the case of the plaintiffs in O.S. Nos. 219/2012, 313/2014, and 110/2013 remains unchallenged and stands proved by the oral and documentary evidence on record. Accordingly, the

plaintiffs are entitled to a decree as prayed for.

10. **Point Nos. IV:-** In result, OS.219/2012, OS. 110/2013 and OS. 313/2014 decreed exparte as follows:-

OS. 219/2012 is decreed exparte as follows:-

1. The plaint schedule item No.1 property is marked as 'CFGHIJKLMNOPQO1N1M1L1K1J1H1XY ZA1B1C1D1C' in the Ext C1 (b) plan.
2. The plaint schedule item No.2 property is marked as 'VWXH1R1V' in the Ext C1 (b) plan.
3. The plaint schedule item No.3 property is marked as 'UVR1H1J1S1U' in the Ext C1 (b) plan.
4. The boundary line between plaint schedule item No.1 and 3 properties is marked as 'H1J1' line in the Ext C1 (b) plan.
5. The boundary line between plaint schedule item No.2 and 3 properties is marked as 'VR1H1' line in the Ext C1 (b) plan. The plaintiff has the right to construct compound wall between the boundary line.
6. Ext.C1(b) plan shall form part of the decree.
7. Plaintiff is entitled to realise the costs of the suit from the defendants and their assets.

OS. 110/2013 is decreed exparte as follows:-

1. The defendant, and any person claiming under or through them, are hereby permanently restrained from opening any new pathway through the plaint schedule Item No. 1 property or from committing any act of waste therein.

2. Plaintiff is entitled to realise the costs of the suit from the defendant and her assets.

OS. 313/2014 is decreed exparte as follows:-

1. The defendant, and any person claiming under or through them, are hereby permanently restrained from trespassing into the plaint schedule property, from opening any new pathway through the said property, and from committing any act of waste or damage therein.
2. Plaintiff is entitled to realise the costs of the suit from the defendant and her assets.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in Open Court on this the 31st day of March 2026.)

**Sd/-
AMALA LAWRENCE
MUNSIFF**

APPENDIX :

Witness for the Plaintiffs:

PW1 24.02.2026 Govindan

Exhibits for the Plaintiffs:

A1	Certified Copy of Partition Deed No.2074/1119
A2	Certified Copy of Sale Deed No. 2119/1089
A3	12.12.2011 Copy of Tax Receipt No. 2691748 issued by Village Office, Chengannur

A3(a) 12.12.2011 Copy of Tax Receipt No. 2691749 issued by Village Office, Chengannur

A4 17.05.2013 Power of Attorney

Court Exhibits

C1 09.03.2018 Report filed by Advocate Commissioner T.R.Govindan Nair

C1(a) 28.02.2018 Mahazar prepared by Advocate Commissioner T.R.Govindan Nair

C1(b) 28.02.2018 Plan prepared by Surveyor N.Basheer Khan

C2 07.06.2013 Report filed by Advocate Commissioner Vijayamma.B

C2(a) 07.06.2013 Mahazar prepared by Advocate Commissioner Vijayamma.B

C2(b) Rough Sketch prepared by Advocate Commissioner Vijayamma.B

C3 29.10.2021 Report filed by Advocate Commissioner Sreekala Dileep

C3(a) 02.09.2014 Mahazar prepared by Advocate Commissioner Sreekala Dileep

C3(b) 08.09.2014 Rough Sketch prepared by Advocate Commissioner Sreekala Dileep

**Id/-
MUNSIFF**