

IN THE COURT OF THE MUNSIFF, KOCHI

Present :-

Smt. Karthika. K., Additional Munsiff

Wednesday the 30th day of November, 2022/ 09th Agrahayana, 1944

O.S. No. 395/1997 & O.S. No. 494/1997

O.S No. 395/1997

Plaintiff:-

T.P. Premasagar, aged 32 years, S/o. Late T.K. Padmanbhan,
Thundiparambil House, Vathuruthy, Malsyapuri P.O, Kochi – 29.

By Advs. K.S. Sathis Babu and Nimmy Joseph

Defendants:-

1. T.P. Subhashini, aged 48 years, W/o.P.K Raveendran,
Thundiparambil House, Vathuruthy, Malsyapuri P.O,
Kochi – 29.
2. P.K Raveendran, aged 54 years, Thundiparambil House,
Vathuruthy, Malsyapuri P.O, Kochi – 29.
3. T.R Sabu, aged 27 years, S/o. P.K Raveendran, Thundiparambil
House, Vathuruthy, Malsyapuri P.O, Kochi – 29.
4. T. R Sanu, aged 23 years, S/o. P.K Raveendran, Thundiparambil
House, Vathuruthy, Malsyapuri P.O, Kochi – 29.
5. T.R Saju, aged 24 years, S/o. P.K Raveendran, Thundiparambil
House, Vathuruthy, Malsyapuri P.O, Kochi – 29.
6. K.R Rajeevan, aged 38 years, S/o. Ravindran, Killikudail House,
Pullardesom Road, Palluruthy, Kochi – 6.

By Advs. Sibha. S and Parvathy V

O.S No. 494/1997

Plaintiffs:-

1. T.P Subhashini, aged 48 years, W/o. P.K Raveendran, Thundiparambil House, Vathuruthy, Cochin – 29.
2. Parvathy Kunjappan, W/o. Kunjappan, aged 65 years, Thundiparambil House, Vathuruthy, Cochin -29.

Addl. Plaintiffs:-

3. T.R Sabu, aged 34 years, S/o. P.K Raveendran, Thundiparambil House, Vathuruthy, Kochi – 29.
4. T. R Sanu, aged 49 years, S/o. P.K Raveendran, Thundiparambil House, Vathuruthy, Malsyapuri P.O, Kochi – 29.

Addl. Plaintiff No. 3 impleaded as per order in I.A 2410/04 dtd. 10.12.2004.

Addl. Plaintiff No. 4 impleaded as per order in I.A 1/22 dtd. 06.04.2022.

By Advs. Sibha. S and Parvathy V

Defendants:-

1. T.P Premsagar, S/o. Late T.K Padmanbhan, Thundiparambil House, Vathuruthy, Malsyapuri P.O, Cochin – 29.
2. The Manager, Canara Bank Golden Jubilee Staff Welfare Fund, Cochin -2.
3. The Manager, Canara Bank, Cochin -2.

D1 By Advs. K.S. Sathis Babu and Nimmy Joseph

D2 & D3 By Adv. V.K Hema

These suits come up for hearing before me on 28.11.2022 in the presence of above advocate concerned and having stood over for consideration on 30.11.2022 the court delivered the following:-

COMMON JUDGMENT

Suit is one for recovery of possession, permanent prohibitory injunction, fixation of boundary and mandatory injunction.

2. **The plaintiff's case OS.395/1997 in brief is as follows:-**

The plaintiff is the owner and in possession of 2.689 cents of land in Sy.No.1398/1 of Rameswaram village which is obtained by kudkidappu right as per order in OA.11/1995 which is described as plaint A schedule property. The first defendant is the plaintiff's sister and 2nd defendant is his brother in law and defendants 3 to 5 are the children of defendants 1 and 2. Defendant No.6 is a close associate of 1st defendant. Defendants 1 to 5 are residing in 3 cents of land situated on the western side of plaint A schedule property . It is termed as plaint B schedule. On the northern side of the plaint B schedule there is boundary wall and gate which is used for the ingress and egress from plaint B schedule property to the concrete lane on the north which lies east west. There was a railway line on the northern side of the concrete road and on the immediate northern of the railway line is the main road connecting Mattancherry and Ernakulam. In between January 1995 and

December 1996 the defendant trespassed into the plaintiff A schedule property and put up additional structures to their residential building encroaching into plaintiff A schedule property. The encroachment made by the defendant in the A schedule is shown as plaintiff C schedule. The defendants also made an opening on the eastern wall of their residential building with an idea to trespass into plaintiff A schedule property. Even though the plaintiff requested the defendants 1 and 2 to remove the encroachment they are not amenable for the same. The item No.1 in plaintiff C schedule is a step constructed by defendants in January 1995 adjoining their building item No.2 in C schedule a portion of sunshade constructed in January 1995 protruding into plaintiff A schedule property. Item No.3 dish antenna was put up in December 1996 and item No.4 is a cable drawn about 20 feet in length trespassing into the plaintiff A schedule. Since the 1st defendant is the sister of the plaintiff and the 2nd defendant is his brother in law the plaintiff did not take any immediate action. The plaintiff also apprehends that the defendants may further encroachment into plaintiff A schedule property. Hence the suit.

3. The written statement filed by the defendants 1 to 4 in brief as follows:- The defendants denied the entire allegations in the plaint.

The plaintiff is not the exclusive owner in possession and enjoyment of the plaint A schedule property. The property having an extent of 1.035 cents of plaint A schedule property have been in joint possession and enjoyment of the 1st defendant and her father's sister Smt.Parvathi Kunjappan in such a way that 1 ½ cents of property at the western side has been in the possession and enjoyment of the first defendant as courtyard and the rest of the said property has been used as courtyard by Parvathi Kunjappan even prior to the purchase of plaint B schedule property by the 1st defendant in 1976. The defendants 1 to 5 have no association with the 6th defendant. The plaintiff has absolutely no right on the part of the plaint A schedule property which is in the possession and enjoyment of the defendants. They never made any opening on the eastern wall of their residential building with an idea to trespass into plaint A schedule property. The item No.1 and 2 in the plaint C schedule were constructed during 1997 at the time when the defendants constructed their residential building. Item No.3 in plaint C schedule property was put up during June 1997 and not in December 1996. The plaintiff submitted an application before Vypin Land Tribunal for purchasing plaint A schedule property by fraudulently stating that he

had been in continues possession in plaint A schedule property from 1968 onwards. But in 1968 the plaintiff was an infant of less than three years and totally depending on his father during the said period. The plaintiff's father late T.K.Padmanabhan purchased 3 cents of land in Sy.No.898/1 of Rameswaram village during 1976. The plaintiff obtained an employment in Kochi Port Trust by registering his name in the employment exchange, Kodungalloor stating that he was a permanent resident of a place within the jurisdiction of Kodungalloor employment exchange. It is evident that the plaintiff never possessed or enjoyed any part of plaint A schedule during his life time either before submitting the application for the purchase of plaint A schedule property or subsequent to that. Plaint A schedule is already a part and parcel of plaint B schedule property. On 27.07.1996 the plaintiff obtained a report of the Village Officer that there was a hut in the plaint A schedule property. The plaint A schedule is in fact the collection of nearly $\frac{1}{2}$ cents each from the property of 5 cents including 1st defendant. Since the plaintiff obtained plaint A schedule property by illegal means the 1st defendant has filed OS.494/97 before the Munsiff Court, Kochi declaring the kudikidappu certificate obtained by the

plaintiff to the extent of the invasion into the first defendant's right and also the right of her father's sister as null and void. The 1st defendant constructed a residential building in the plaint B schedule property during 1997. Even before the purchase of kudikidappu certificate of plaint A schedule property in 1976 about ½ cents of plaint A schedule property was in possession and enjoyment of the 1st defendant. But 3 cents of land was given to all the 9 persons including the 1st defendant as kudikidappu patta. An extent of 0.5 cents of land each was also given to the possession of all the persons considering the continuous possession and enjoyment by them. After the purchase of plaint B schedule the 1st defendant has been in possession, use and enjoyment of above said ½ cents of land forming part of A schedule property. Plaint C schedule item No.3 does not protrude into any property which is not in possession of the 1st defendant. Hence the suit may be dismissed.

4. On the basis of the contentions raised by the defendants the following issues were framed in this case.

- (i) Is the plaintiff entitled to get a decree of recovery of possession of plaint D schedule property on the strength of title?
- (ii) Is the plaintiff is entitled to get a fixation of boundary of

plaint A schedule property as per OA.11/1995 of Vypin
Land Tribunal?

- (iii) Is the plaintiff entitled to get a decree for mandatory injunction directing the defendants to remove the C schedule item No.1 to 4?
- (iv) Reliefs and costs?

5. The plaintiff's case in OS.494/1997 in brief is as follows:-

The 1st plaintiff is the sister of the 1st defendant and the 2nd plaintiff is the father's sister of the 1st plaintiff and the defendant. The plaintiffs 1 and 2 purchased 3 cents of land in Sy.No.1398/1 of Rameswaram village as per the kudkidappu certificate No.OA.1296/76 & 1297/76 of Land Tribunal, Vypin. The plaintiff constructed a residential building in their respective land during 1997. 3 cents of land and building owned by 1st plaintiff is described as plaint A schedule and the property of 2nd plaintiff is described as plaint B schedule. The defendants 2 and 3 are the jenmi of plaint A and B schedule properties. The extent of 1.035 cents of land was lying vacant between plaint A and B schedule properties even before the purchase of the same by the plaintiff. The said property is herein termed as plaint C

schedule. The 1st and 2nd plaintiff were in joint and absolute possession and enjoyment of C schedule property even before the purchase of plaintiff A and B schedule property in the year 1996. 9 persons purchased kudikidappu certificate from defendants 2 and 3 during 1976. Though 3 cents of land each was given to all the nine persons as kudikidappu patta nearly 0.5 cents of land each was given in possession of all the persons over and above 3 cents considering the continuous possession and enjoyment by them. The plaintiffs were also given in possession of C schedule property since they were in continuous possession and enjoyment of the same even prior to the issue of patta. After the purchase of plaintiff A and B schedule properties the bonafide belief that C schedule has been given in possession of the plaintiff along with plaintiff A and B schedule properties. On the northern side of the plaintiff A schedule property there is a public road. The plaintiffs have ingress into and egress from the public road through the plaintiff C schedule. In OS.395/97 filed by the 1st defendant herein he averred that plaintiff C schedule property is a part of 2.68 cents of land purchased by the 1st defendant from defendants 2 and 3 in the proceedings taken in OA.11/1995 of Land Tribunal, Vyppin. It came to the knowledge of the

plaintiff that 1st defendant herein obtained 2.689 cents of land from the defendants 2 and 3 by fraud. It is allotted to the defendant in OA.11/1995 is described as plaint D schedule. The 1st defendant preferred an application before Land Tribunal stating that 1st defendant has been in continuous possession of plaint schedule property from 1968 onwards. During the period of 1968 the plaintiff was an infant having less than 3 years. The 1st defendant's father late T.K.Padmanabhan was allotted 3 cents of kudikidappu land in the year 1976 in Sy.No.1394/1. After the death of said Padmanabhan OS.125/1995 was filed by the 1st defendant and two others praying for restraining the elder brother of the 1st defendant T.P.Sugunan from trespassing into the property of late T.K.Padmanabhan. In the partition suit OA.392/95 filed before the Addl.Sub Court, Kochi the 1st defendant contended that he was residing in the property of late father even prior to the death of his father. The plaint D schedule is already a part and parcel of plaint A and B schedule. There was no hut in the plaint D schedule and the 1st defendant never resided in the plaint D schedule property. The kudikidappu certificate obtained by the 1st defendant in respect of the plaint D schedule property is null and void and plaintiffs

are in joint possession of plaint C schedule property. The 1st defendant attempting to alienate plaint D schedule property to 3rd parties with an intention to cause undue hardships and irreparable injury to the plaintiffs. Since plaint D schedule property is a part of A, B and C schedule property alienating or encumbering the plaint C schedule property to 3rd party would lead to undue hardships and injury to the plaintiff. Hence the plaintiff in OS.494/1997 seeking decree setting aside the patta dated 12.05.1997 in favour of the 1st defendant with regard to C schedule property is null and void, declaring that the plaint C schedule property is in joint possession of the 1st and the 2nd plaintiffs and for permanent prohibitory injunction restraining the 1st defendant from trespassing into plaint C schedule property or to cause interference with the peaceful enjoyment of the plaint C schedule property by the plaintiff and fixation of boundary of plaint C schedule.

6. The written statement filed by the 1st defendant in brief as follows:-

The written statement filed by the 1st defendant in OS.494/1997 in consonance with the averments he took in the plaint in OS.394/97. It is stated by the 1st defendant that the plaintiff managed to obtain a

kudikidappu right from the bank with the help of their father late Padmanabhan who kept a close relationship with Canara bank. This defendant also obtained the property as kudikidappu from the said bank. The plaintiff never had any property of the bank even at the time of purchase of kudikidappu from the bank or from an earlier period. The plaintiff is entitled to prefer a joint application before this court. The plaintiff C schedule obtained by the defendants as kudikidappu. The 2nd plaintiff never resided in plaintiff B schedule. The plaintiff B schedule is a kudikidappu land obtained by the defendants through Vypin Land Tribunal from his jenmi Canara bank. The description of plaintiff schedule property is incomplete. Before filing of OS.125/1995 the 1st defendant Sugunan in that case attempted to trespass into the plaintiff schedule property. The defendant did not raise any contention in the partition suit filed by the said Sugunan. The plaintiffs have no possession of kudikidappu bhumi obtained by the defendant herein. The plaintiff B schedule property has never been in possession of 3rd parties. This defendant have no right to question the ownership of 1st defendant or kudikidappu certificate obtained by the 1st defendant. The plaintiffs have no cause of action against the defendants. Hence the suit

may be dismissed.

7. On the basis of the contentions raised by the defendants the following issues were framed in this case.

- (i) Whether the suit is maintainable?
- (ii) Whether the plaintiffs are entitled to get a decree declaring patta issued on 12.05.1997 to C schedule property null and void and not binding towards plaintiffs?
- (iii) Whether the declaration relating to the possession of plaintiff C schedule property allowable?
- (iv) Whether the plaintiffs are entitled to get injunction as prayed for?
- (v) Reliefs and costs?

8. The case was posted for trial on 01.11.2022 on that day the plaintiffs in OS.395/1997 was absent and the 4th defendant in OS.395/1997 and the 4th plaintiff in OS.494/1997 was present. Hence the evidence was adjourned to 02.11.2022. On 02.11.2022 the counsel for the plaintiff in OS.395/1997 submitted that is about to file an appeal in IA.4/2022 before the Hon'ble High Court and filed a petition to adjourn the evidence. Hence time was granted upto 07.11.2022. From

07.11.2022 the case was adjourned to 08.11.2022. On that day the plaintiff in OS.395/1997 was absent hence the 4th defendant in OS.395/1997 and the 4th plaintiff in OS.494/1997 filed proof affidavit in lieu of chief examination and he was examined as DW1 and Exts.B1 to B6 documents were marked. The advocate commissioner was examined as DW2. Exts.C1, C1(a), (b), (c) & (d) and Exts. C2, C2(a), (b) & (c) were marked. Heard the counsel for plaintiff and defendants 2 and 3 in OS.494/1997. No arguments were submitted from the side of the plaintiff in OS.395/1997 and defendant No.1 in OS.494/1997. OS.395/1997 is filed by the plaintiff for recovery of possession of plaint D schedule on the strength of plaintiff's title and for fixation of boundary of plaint A schedule as per OA.11/1995 and for mandatory injunction to remove the C schedule items from D schedule. The 1st issue to be considered is that whether the plaintiff in OS.395/1997 has proved his title upon plaint D schedule property. Plaint D schedule are two items having an extent of 0.065 cents and 0.030 cents of property in Sy.No.1398/1. It is to be noted that the Hon'ble High Court remanded this matter for trial as per the order dated 04.10.2021 in FAO.121/2013 as an open remand to this court for considering the matter afresh. But

the plaintiff in OS.395/1997 did not adduce any evidence in this case on his behalf. Hence the issues framed in OS.395/1997 was answered against the plaintiff in OS.395/1997. The 4th plaintiff in OS.494/1997 filed proof affidavit in lieu of chief examination and Exts.B1 to B6 documents were marked. Ext.B1 is the true copy of pattayam bearing No.3596 dated 11.12.1976 in OA.1296/76 issued in favour 4th plaintiff's mother Subhashini. In Ext.B1 document it is seen that 3 cents of property in Sy.No.1398/1 was issued in favour of the deceased 1st defendant Subhashini in OS.395/1997. Even though D1 in OS.395/1997 claims that ½ cents of property other than the 3 cents allotted by Ext.B1 was granted to them no oral or documentary evidence has been adduced by the defendants to prove that aspect.

9. Heard the counsel for plaintiff in OS.494/1997 and the counsel for defendants 2 and 3 in OS.494/1997. The counsel for the plaintiff in OS.395/1997 and counsel for defendant in OS.494/1997 did not submit any arguments before this court.

10. **Issue No.(i) in OS.494/1997:-** The 1st issue to be determined is with regard to the maintainability of the suit. The contentions raised by the defendants in this case that the plaintiffs have no right to

question the right of kudikidappu of the defendant or the decision of the land tribunal granting purchase certificate to the defendant. The plaintiffs' averment is that the purchase certificate obtained by the defendant is by fraud. Section 125 of the Kerala Land Reforms Act 1963 deals with bar of jurisdiction of civil court. It is provided that no civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settle, decided or dealt with or to be determined by the Land Tribunal, or the appellate authority or the land board or the taluk land board or the Government or an officer of the Government. It is also provided that no order of Land Tribunal made under this Act shall be questioned any civil court except as provided in this Act. But it is held by the Hon'ble High Court in **Unneema @ Unniamma Andharjanam Vs. Cheriammu Haji Another (2015 KHC 689)** that *when fraud is alleged in respect of the proceedings by which purchase certificate was obtained by the defendant, that contention cannot be adjudicated by the land tribunal. That question has to be decided by the civil court.* Hence from the above said dictum it is clear that since the plaintiff alleged fraud the present case is maintainable before the

civil court. Hence issue No.(i) is answered in favour of the plaintiff.

11. **Issue No.(ii) in OS.494/1997:-** The 1st defendant obtained the purchase certificate on 12.05.1997 in OA.11/1995. The purchase certificate is issued to a kudikidappukaran as per the procedures laid down in Kerala Land Reforms Act. The person intended to obtain a purchase certificate has to prefer an application under the prescribed form given under the Act. There will be a separate file for each proceedings. Even though the plaintiffs alleged that the purchase certificate is obtained by fraud the plaintiff did not take any steps to call for the file in OA.11/1995 in the name of the 1st defendant from the Land Tribunal, Vypin. There is also no specific pleadings regarding the fraud committed by the 1st defendant in the plaint. As per Order 6 Rule 14 when a fraud is alleged by the plaintiff he shall provide specific pleadings regarding the manner in which the fraud is committed and evidence also has to be adduced with regard to this aspect. But since there is no such evidence before this court the court cannot conclude that the purchase certificate issued in OA.11/1995 dated 12.05.1997 is obtained by fraud. The defendant in OS.494/1997 did not turn up to give his evidence. Hence there is no oral evidence from the side of the

1st defendant to rebut the chief examination evidence rendered by DW1. While cross examined by the counsel for defendants 2 and 3 in OS.494/1997 DW1 stated that he obtained the purchase certificate while the proceedings of land tribunal he stated that the plaint C schedule is in the possession of DW1. He stated that the land tribunal inspector had come to the property and measured their property. It is also admitted by him that he did not take any steps to call for the documents from Land Tribunal which was prepared by the Revenue Inspector at the time of initiating proceedings for issuing purchase certificate. DW1 also could not establish that there is a collusion between the plaintiff defendants 2 and 3 in OS.494/1997 and the plaintiff in OS.395/1997. DW1 was unable to adduce any evidence with regard to that aspect. Hence issue No.(ii) is answered against the plaintiffs in OS.494/1997.

12. **Issue No.(iii) in OS.494/1997:-** Another prayer of the plaintiffs in OS.494/1997 is to declare that the plaint C schedule property is in joint possession of the 1st and 2nd plaintiffs. The plaint C schedule in OS.494/1997 is 1.035 cents of land in Sy.No.1398/1. The boundaries of plaint C schedule is depicted as plaint B schedule

property on the eastern side, public road on the northern side, plaint A schedule on the western side and plaint B schedule on the southern side. It is admitted by the plaintiff that plaint C schedule property forms part of plaint D schedule property in OS.494/1997. Plaint D schedule is 2.689 cents of land in Sy.No.1398/1 of Rameswaram village which is alleged to be in the possession of the plaintiff in OS.395/1997. In order to identify the plaint schedule property and to mark the extent and boundary of the plaint schedule property a commissioner was appointed with the assistance of taluk surveyor twice in this case. The commission report submitted by the advocate commissioner on 11.02.2008 is marked as Ext.C1 and sketches is marked as Exts.C1(a), (b), © & (d). Another commission report submitted on 14.09.2022 is marked as Exts.C2 and the three sketches are marked as Exts. C2(a), (b) & (c). The plaint C schedule property is marked in Ext.C1(a) sketch. In Ext.C1 report the commissioner measured the property scheduled in OS.494/1997, OS.395/1997 and OS.438/2003. But after the remand OS.438/2003 has been not pressed by the plaintiffs hence the properties scheduled in OS.395/1997 and OS.494/1997 was measured and the sketch was produced before this court.

13. In Ext.C2 commission report the commissioner stated that he could not identify plaint C schedule property. But later during the cross examination he deposed that the land marked as C schedule property in Ext.C1(a) sketch is the same property marked as no mans land in Ext.C2(a) sketch. The ambiguity raised by the commissioner in his commission report was cleared during his cross examination. It is further admitted by the commissioner that an overlapping was seen in the sketches so prepared. But as per Ext.C1(c) sketch he separately demarcated the property obtained by in OA.1296/76, OA.1297/76 and OA.11/95. It is an admitted fact that the plaintiffs in OS.494/1997 who are the defendants in OS.395/1997 obtained plaint A and B schedule property in the year 1976 whereas the defendant No.1 in OS.494/1997 said to have obtained the property in the year 1997. It is also pointed out by the commissioner that the 4th plaintiff in OS.494/1997 had constructed a portion of outhouse with a latrine and fishpond which is marked as B and C plots in Ext.C2(b) encroaching into properties covered by OA.11/95. But during the cross examination of the advocate commissioner he deposed that the encroachment by 4th plaintiff in OS.494/1997 is seen only when the property is measured according to

the sketch in OA.11/95. But it is evident that the 4th defendant in OS.395/1997 (DW1) who is the 4th plaintiff in OS.494/1997 obtained properties in the year 1976. There is no contra evidence adduced by the 1st defendant in OS.494/1997 to show that the 4th plaintiff has encroached into the property of the 1st defendant in OS.494/1997. Hence issue No.(iii) is answered in favour of plaintiff in OS.494/1997.

14. **Issue No.(iv) in OS.494/1997:-** It is evident that the 1st defendant has no right over plaint C schedule property and the same is in the possession and enjoyment of plaintiff 1 to 4. The commissioner has deposed that the no mans land in Ext.C2(a) sketch is the plaint C schedule property marked in Ext.C1(a) sketch. It is also evident from Ext.C1 & C2 commission reports that the plaint C schedule property is lying in between plaint A and B schedule properties which is within the compound wall of the property owned by plaintiffs 1 and 4 from the available evidence the 4th plaintiff has probablized his case that the plaintiff in OS.395/1997. Hence it can only be concluded that the plaintiffs in OS.494/1997 is entitled to get an injunction as prayed for. Hence issue No.(iv) is answered against the plaintiff in OS.494/1997.

15. **Issue No.(iv) in OS.395/1997:-** The plaintiffs in OS.395/1997

did not adduce any evidence to prove their claim. Hence all the issues in this case are found against them and in the result in OS.395/1997 is dismissed.

16. **Issue No.(v) in OS.494/1997:-** Issue No.(i), (iii) & (iv) in OS.494/1997 is answered in favour of the plaintiffs. Hence the plaintiffs are entitled to get a decree regarding declaration relating to plaint C schedule and an injunction in favour of the plaintiffs.

In the result, OS.494/1997 is decreed in part as follows:-

- a) It is declared that the plaintiffs in OS.494/1997 is entitled to the possession of plaint C schedule property reported by the commissioner in Ext.C1(a) sketch.
- b) The 1st defendant is restrained by a decree of prohibitory injunction from trespassing into to plaint A, B and C schedule property and committing any waste in plaint A, B and C schedule property .
- c) The defendants shall also pay the entire costs of the suit to the plaintiff.

(Dictated to the Confdl.Asst, typed by her, corrected and pronounced by me in open court on this the 30th day of November 2022)

Sd/-
Karthika. K.
Additional Munsiff

APPENDIX

Plaintiff's Exhibits:- Nil

Defendant's Exhibits:-

B1	11.12.1976	The true copy of Pattayam bearing No. 3956 in O.A 1296/76 issued in favour of 4 th Plaintiff's Mother Subhashini.
B2	13.11.1976	The true copy of Pattayam bearing No. 3145 in O.A 1297/76 issued in favour of Parvathy Kunjappan.
B3	17.05.2022	Land Tax receipt issued by Village Officer, Rameswaram.
B4	15.09.2022	The certificate issued by Village Officer, Rameswaram.
B5	28.06.2022	Property tax receipt bearing door No. 30/37 (Old 25/7) issued by Kochi Municipal Corporation.
B6	28.06.2022	Property tax receipt bearing door No. 30/38 (Old 25/8) issued by Kochi Municipal Corporation.

Court's Exhibits:-

C1	11.02.2008	Commission report filed by Adv. M.K Murari
C1(a)	--	Sketch No.1 prepared by P.J John Head Surveyor
C1(b)	—	Sketch No.II prepared by P.J John Head Surveyor
C1(c)	—	Sketch No. III prepared by P.J John Head Surveyor
C1(d)	-	Final Sketch prepared by P.J John Head Surveyor
C2	14.09.2022	Commission report filed by Adv. M.K Murari
C2(a)	—	Sketch No. 1 prepared by Taluk Surveyor Anilkumar P.S
C2(b)	—	Sketch No. II prepared by Taluk Surveyor Anilkumar P.S.

C2(c) – Sketch No. III prepared by Taluk Surveyor
Anilkumar P.S

Witness Exhibits Nil

Plaintiff's Witness:- Nil

Defendant's Witness:-

DW1 08.11.2022 T.R Sanu

DW2 11.11.2022 M.K Murari (Adv. Commissioner)

Court's Witness:- Nil

Id/-
Additional Munsiff