

IN THE COURT OF THE MUNSIFF, ADIMALY
Present: Sri. AYYAPPALAL, MUNSIFF.
On Saturday the 4th day of April, 2026 / 14th day of Chaitra 1947
I.A No.1/2025 in O.S No.83/2025

Petitioner/Plaintiff:

Madhavi, aged 93, W/o late Janardhanan, Vettukallummackal house, Odackacity Kara, Koompanpara.P.O., Vellathooval Village, Devikulam Taluk-685561.

By Advs.Sri.Martindas.V.James. and Jeeja Mulavana.

Respondents/Defendants:

1. Sabu.V.J, aged 63, S/o late Janardhanan, Vettukallummackal house, Koompanpara Kara, Koompanpara .P.O., Vellathooval Village, Devikulam Taluk now residing at 4B, Skyline Pixel, Vettukallummackal , Lavanya Nagar, Kakkanad, Ernakulam-682030.
2. Sheeba aged 58, W/o Sabu.V.J., Vettukallummackal house, Koompanpara Kara, Koompanpara.P.O., Vellathooval Village, Devikulam Taluk now residing at 4B,Skyline Pixel, Vettukallummackal, Lavanya Nagar, Kakkanad, Ernakulam -682030.

By Adv.Sri.Rameez Nooh.

This petition filed Under Order XXXIX Rules 1 of the Civil Procedure Code and coming before me for hearing on 28/03/2026 and having been stood over the consideration till 04/04/2026 in the presence of the above counsels and the court on the same day passed the following.

ORDER

1. This is an application filed under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure.
2. The averments of the petitioner/plaintiff in brief are as follows: The petitioner is a 93-year-old widow and the mother of the first respondent. The property in question, admeasuring 3 acres and 75 cents in Survey Nos. 291/20/2, 291/22 A1, and 291/22 A2 of Vellathooval Village, along with residential and commercial buildings, originally belonged to her late

husband, Sri. Janardhanan. Following a partition deed (No. 1638/95), the first respondent was allotted the property, subject to a life interest reserved for the petitioner to reside in the residential building (No. VGP.1/382) and enjoy the usufructs and profits during her lifetime.

3. The petitioner alleges that after a temporary stay with her daughter due to a family bereavement in October 2025, she returned on 28/11/2025 to find the respondents had broken the locks and replaced them, effectively ousting her. Although police intervention on 01/12/2025 restored her possession, the respondents have allegedly threatened to forcibly evict her again and obstruct her from collecting usufructs. Hence, she seeks a temporary injunction to protect her life interest and peaceful occupation.
4. The respondents filed an objection raising the following contentions: While admitting the petitioner's life interest under the partition deed, they contend the suit is a "brainchild" of the petitioner's daughter, Adv. Sheela Prabha, who is allegedly manipulating her bedridden mother for property gains. They argue that the petitioner abandoned the property in early 2023. The respondents admit to changing the locks in November 2025, claiming it was for the "safety" of the property and to prevent the daughter from misappropriating movables. They deny any threats of force but maintain that the daughter has no right to interfere in the property.

5. Heard the learned counsel on either side and perused the records.
6. The following points arise for determination:
 - 1) Have the plaintiffs shown a prima facie case for trial?
 - 2) Whether the balance of convenience is in their favour?
 - 3) Whether irreparable injury and loss would be sustained if the injunction is not granted?
 - 4) Are the plaintiffs entitled to an order of temporary injunction?
7. **Points No. 1 to 4:** It is an admitted fact by both parties that the petitioner holds a life interest over the plaint schedule property as per Partition Deed No. 1638/95. In Indian law, a life interest created in favour of a mother or widow is a substantial right that includes the right to reside and enjoy the income of the property without interference from the ultimate titleholder.
8. The respondents have openly admitted to changing the locks of the residential building, justifying it as a security measure. However, such an act, when committed against a person holding a registered life interest, constitutes a prima facie interference with their legal rights. The allegations regarding the daughter's influence or the misappropriation of the petitioner's pension are matters of evidence to be ventilated during the trial and cannot be used to curtail the petitioner's immediate right to reside in

her home in her twilight years.

9. Following the principles laid down in *P. Muthukoya v. M. Muthukoya* [1988(1) KLT 664] and *Sankara Pillai v. Inez Rosario* [AIR 1971 Ker. 27], the court must be satisfied that a prima facie case exists and that protection is necessary to prevent irreparable injury. In this case, the petitioner's advanced age (93 years) and her admitted legal right to the property create a strong prima facie case.
10. If the petitioner is ousted or obstructed from enjoying the usufructs which fund her medical and maintenance expenses, she will suffer an injury that cannot be adequately compensated in terms of money. The balance of convenience clearly lies in favor of maintaining the status quo of the petitioner's residence and enjoyment of the property.
11. Consequently, this court finds that the petitioner is entitled to protection. The respondents, while they may have grievances against other family members, cannot exercise those grievances by obstructing the life interest of their nonagenarian mother.
12. In the result, this application is allowed. The respondents and their men are restrained from ousting or forcibly evicting the petitioner from the plaint schedule property and the residential building (VGP.1/382) during

her lifetime, Obstructing the petitioner or her authorized agents from collecting usufructs and profits from the plaint schedule property, Causing any obstruction to the petitioner's relatives or visitors from meeting her in the said residential house until the disposal of the suit. Considering the relationship between the parties, there is no order as to costs.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on the 4th day of April, 2026.

**AYYAPPALAL,
MUNSIFF.**

APPENDIX

NIL

**AYYAPPALAL,
MUNSIFF.**