

IN THE COURT OF THE MUNSIF, KOYILANDY
Present:- Miss. Raveena Naz, Munsiff, Koyilandy
Saturday the 4th day of October, 2025
I.A. No. 10/2023 in O.S. No. 10/2020

Between:

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| <p>1 Madhavi Amma, Aged 72 years, W/o. Late Subrahmanian, No.8 ganger A lane, Chikk petta, Bangalore (BBMP)-560002</p> | } | Petitioners/
Defendants |
| <p>2 Kathyayani Amma, Aged 68 years, W/o. Gangadharan Nair, Residing at Chembakassery, Modakkallur PO, Atholi Village, Kothankal Desom, Koyilandy Taluk.</p> | } | |

And :

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| <p>C. Gopi, Aged 54 years, S/o. Krishnan Kidavu, Residing at Chembakassery, Modakkallur PO, Atholi Village, Kothankal Desom, Koyilandy Taluk.</p> | } | Respondent/
Plaintiff |
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This Petition coming on this day for hearing before me in the presence of Smt. P. Sreeranjini, Advocate for Petitioners/Defendants and Sri. M.K. Shaheer and Sri. Praveen Ottur, Advocates for Respondents/Plaintiffs and the Court passed the following:

ORDER

1. This Petition filed under Section 24 and 151 of Code of Civil Procedure.
2. Petitioner herein is the 1st Defendant in the suit. Petitioner contends that OS 10/2020 has been filed by the Respondent herein to restrain the Petitioner herein from entering into plaint schedule property and from cutting or removing any trees from the plaint schedule property. Petitioner contends that as per the *ex parte* decree in OS 236/2015, the Respondent herein is not entitled to get an Order of injunction and Petitioner herein had filed OS 46/2023 for partition.

3. Petitioner aver, that both OS 10/2020 and OS 46/2023 are suits in which the subject matter and parties involved are same. Hence Petitioner seeks for joint trial of OS 10/20020 and OS 46/2023. The Respondent filed Objection contending that without the adjudication of OS 236/2015, OS 10/2020 and OS 46/2023 cannot be decided. It is also stated that there is no need for trying OS10/2020 and OS 46/2023 jointly.
4. Heard both sides.
5. Perused the plaint and written statement in OS 10/2020 and OS 46/2023. It is found that the Plaintiff in OS 10/2020 is the Defendant in OS 46/2023. OS 10/2020 has been filed seeking relief of permanent prohibitory injunction restraining, Defendant from trespassing into petition schedule property or interfere with the occupation of the house in plaint B schedule property by the Plaintiff. OS 46/2023 has been filed by the 1st Defendant in OS 10/2020 seeking relief of partition. The matter in controversy involved in both subject matters are the same. The contention of the Respondent herein that till the disposal of OS 236/2015 the suits cannot be adjourned is untenable. At present, the decree in OS 236/2015, although an *ex parte* decree is a valid decree. In Order to avoid prejudice to the parties, this Court is of the view that OS 46/2023 and OS 10/2020 can be jointly heard. IA allowed. IA closed.

(Pronounced by me in open Court, on this the 4th day of October, 2025).

Sd/-
MUNSIFF

Order in IA 10/2023
in OS 10/2020
Dated: 04.10.2025