

IN THE COURT OF THE MUNSIFF, KOTTARAKARA.
Present :- Smt. Sumey Chandran, B.Sc, LL.B., Munsiff.
Wednesday the 12th day of February, 2020/23rd day of Magha, 1941.

OS. No.119/2019
Between

Plaintiffs:-

- (1). Sajini George, aged 42 years,
D/o Gracy Bose, Sajini Bhavan, Choorapoika,
Karamkodu P.O., Kollam District-691 579.
- (2). Rejani Thomas, aged 39 years,
D/o Gracy Bose, Alohi Bhavan, Choorapoika,
Karamkodu P.O., Kollam District - 691 579.

By Advs. Jose Varghese & Parvathy Mohan.

And

Defendant:-

Rajesh Manchanda, aged 46 years,
S/o Darshanlal, Manchanda,
House No.41/1143 J, Orion House,
Flat No.8B AC, Pullepadi Junction,
Ernakulam Village, Kanayannoor Taluk,
Ernakulam-682 018.

Exparte.

This suit is filed U/S. 26, Order IV, VI and VII, of CPC 1908, for declaration and injunction, coming on for hearing before me on 12.02.2020 and on the same day the court delivered the following:-

JUDGMENT

Suit for declaration and for injunction.

Plaintiffs case is as follows:-

1. Plaintiffs are sisters. The property was obtained by the plaintiff by virtue of Sale deed No.1254/2013 of Principal SRO, Kottarakkara. The property is in absolute possession and enjoyment of the plaintiffs by virtue of the afore mentioned Sale deed. The parents of the plaintiffs are residing and are taking yield from the property. Plaintiffs were in need of 5,00,000/- (Rupees Five lakhs only) during the January, 2016 and when they informed about their need of money to their family friend named Ansari. He informed that he will give 5,00,000/- (Rupees Five lakhs only) if the property has been pledged to him. Thereafter the said Ansari informed the plaintiffs that he had arranged 15,00,000/- (Rupees Fifteen lakhs only) through one Harikumar at Panayath and also informed the plaintiff that they should reach the Registrar Office, Kottarakkara on 20.02.2016 in order to affixing their signature on some security deeds. On the said date the aforementioned Ansari, Harikumar, Shaiju and Praseed and some other persons were caused to sign some documents by the plaintiffs. They informed that Rs.15,00,000/- (Rupees Fifteen lakhs only) will be paid to them after some time and a cheque for Rs.10,00,000/- (Rupees Ten lakhs only) issued to her. Ansari informed the plaintiffs that Rs.5,00,000/- is with him. Even though the cheque

was issued so far no amount has been received by the plaintiff. The plaintiffs have filed OS No.20/18 before the Sub Court, Kollam for the dishonour of cheque . Infact a Kubera transaction has been took at the Sub Registrar Office on the said date. The plaintiff has filed a crime 2219/2018 against the defendant. After obtaining document from the defendant the Anzari, Harikumar, Praseed and one Shaiju were committed fraud on the plaintiff and the cheated the plaintiff. Later plaintiff came to know that a Sale deed has been executed in the name of defendant. The plaintiff is paying the land tax for the building and the possession of the said house is with the plaintiff. The Sale deed No.445/2016 will not line according to law hence it is liable to be set aside. In the circumstances the suit is filed.

2. When the summons was issued to the defendant but the defendant remained absent. Hence defendant was set exparte.

3. Plaintiff examined as PW1 and Exts.A1 to A9 were marked. From the evidence of plaintiff and from Exts.A1 to A9 the plaintiffs case stands proved.

Hence the suit is decreed as follows.

1. It is hereby declared that the Sale deed No.445/2016 as null and void.

2. The defendant is restrained by way of permanent prohibitory injunction from evicting the plaintiffs parents who were residing in the petition schedule property and also restrained from making any documents with respect to the plaint schedule property.

3. Plaintiffs are also entitled to the costs of the suit from the defendant.

Dictated to the Confdl. Asst., transcribed and typed by her corrected and pronounced by me in open court on this the 12th day of February, 2020.

**SUMEY CHANDRAN
MUNSIFF**

APPENDIX:-

Exhibits marked for the Plaintiffs:-

A1	:	15.04.2013	:	Certified copy of Sale deed No.1254/13 infavour of Sajini George and Rejini Thomas.
A2	:	15.11.2018	:	Possession certificate in the name of Sajini George and Rejini Thomas.
A3	:	06.03.2017	:	Property of tax receipt issued from Kottarakkara Municipality.
A4	:	28.11.2019	:	Arrear demand notice issued to Sajini George from Kottarakkara Municipality.
A5	:	-----	:	2 Nos. Keys of the property schedule building.

- A6 : 20.02.2016 : Certified copy of Sale deed No.445/16 in favour of Rajesh Manchanda
- A7 : 01.03.2017 : Liability certificate.
- A8 : 12.07.2019 : Encumbrance certificate from registration department.
- A9 : 28.11.2019 : Tax receipt issued from Kottarakkara Municipality.

Exhibit marked for the Defendant:- Nil.

Witness examined for plaintiff :-

PW1 : 16.12.2019 : Sajini George.

Witness examined for defendant:- Nil.

Id/- Munsiff.

Typed by : Animole. T.C

Compared by :

MUNSIFF