

JUDGMENT

1. This suit is filed for declaration and permanent prohibitory injunction.
2. The averment in the plaint runs as follows.

The plaintiff acquired the plaint A and B schedule properties as per sale deed No. 2222/1995 of SRO Sooranadu Village and she is in possession and ownership of the same. The defendant is the owner of the property situating on the northern side of the plaint B schedule property. The plaintiff is residing 20 km away from the plaint schedule property. When she visited plaint B schedule property on 5/10/09, it was seen the defendant is constructed a building in it. The repeated request of the plaintiff to remove the illegal construction was heard by the defendant. The plaintiff got reliable information on 6/10/09 that the defendant is taking preparation to construct a building in the plaint B schedule property by trespassing to the same. Hence, this suit is filed.

3. Following points arises for consideration:

Point No.i: Whether the plaintiff is entitled to relief as prayed for?

4. Plaintiff is examined as PW1. Exts. A1 to A3 marked. Ext. C1, C2 and C2(a) marked. Defendant is set exparte

5. Point No. i. Ext. A1 is the sale deed No. 2222/1995 and Ext. A2 settlement deed No.1312/04 to show that the plaintiff is the owner in possession of the plaint A and B schedule properties. Ext A3 series is the tax receipts with respect to the plaint schedule properties. The claim of the plaintiff stands unchallenged. Hence, this suit is answered in favour of the plaintiff.

6. In the result suit is decreed as follows.

- i) It is declared that the plaintiff is the owner and in possession of plaint B schedule property.
- ii) The defendants are permanently restrained from trespassing into the plaint schedule properties.
- iii) The defendants are directing to remove the construction work carried out in the plaint B schedule property in their cost.

Suit is allowed without cost.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in the open court on this the 14th day of June 2017.

Sd/-
AMRITRHA.T
MUNSIFF.

APPENDIXExhibit for the Plaintiffs

A1	27-07-1995	Sale deed No 2222/95 of Sooranadu Sub Registry,
A2	16-08-2004	Settlement Deed No 13/12/04 of sooranadu Sub Registry.
A3	27-11-2006	Tax Receipt
A3(a)	06-07-2009	Tax Receipt
A3(b)	16-12-2015	Tax Receipt
A3(c)	19-04-2014	Tax Receipt
A3(d)	14-12-2016	Tax Receipt
A3(e)	02-06-2017	Tax Receipt

Court Exhibit

C1	04-11-2009	Commission report filed by R. Bindhu.
C2	13-11-2004	Commission report filed by V.Venugopal.
C2(a)		Survey Plan.

Id/-
Munsiff

//True copy//

SHANAVAS.A
Judicial 1Class Magistrate
(Temporary Court)
(In Charge of Munsiff)

Typed by : Sajitha.V
Compd by :