

IN THE COURT OF THE MUNSIFF-MAGISTRATE, SASTHAMCOTTA.

Present :Dr. Amritha. T. L.L.M Munsiff.
Wednesday the 16th day of January , 2019
26th day of Pousha, 1940

COMMON JUDGMENT IN O.S. 206/2011 AND O.S. 211/2011

O.S. 206/2011

Between

Plaintiffs

1. Nandakumar, aged 41 years,
S/o. Bhaskaran,
Thiruvathira Veedu,
Padinjattam Muri,
Sooranadu North Village.
2. Ramachandra Kurup,
S/o. Parameswaran Pillai,
Velangattuthekkathil,
Padinjattam Muri, -do-

(By Adv. Sivan. P. Kattoor)

And

Defendants

Gangadharan Pillai,
S/o. Pappukurup,
Santhoshbhavanam,
Padinjattam Muri,
Sooranadu North Village.

(By Adv. S. Sudhikumar)

O.S. 211/2011**Between****Plaintiffs**

1. Gangadharan Pillai,
Santhoshbhavanam,
from Vilayil Veedu,
Padinjattam Muri,
Sooranadu North Village.
2. Thankamany Amma, -do-

(By Adv. S. Sudhikumar)

And**Defendants**

1. Manoj.
S/o. Ramachandra Kurup,
Velangattu thekkathil,
Padinjattam Muri,
Sooranadu North Village.
2. Ramachandra Kurup,
Velangattu thekkathil, -do-

(By Adv. Sivan. P. Kattoor)

These suits are coming for hearing before me on 16/01/2019 and on the same day the court delivered the following :-

COMMON JUDGMENT

- 1) OS 211/11 is filed for permanent prohibitory injunction.
- 2) The averments in OS 211/11 run as follows:- The plaintiff A schedule property in the absolute ownership and possession of plaintiffs. The

plaint A schedule property has fixed boundaries. The defendants are residing on the north – western side of plaint A schedule property. The defendants are trying to encroach into the northern and eastern side of plaint A schedule property in order to construct a new pathway. Reliable information was got on 20/07/11 regarding the same. Hence this suit is filed.

3) The following points arise for consideration:-

Point No. i) Whether plaintiff is entitled to get relief of permanent prohibitory injunction as prayed for?

Point No. ii) Reliefs and costs?

4) 1st plaintiff was examined as PW1. Exts. A1, A2 and C1 marked. Defendant absent hence set exparte.

5) **Point No i** :- Exts. A1 is the sale deed No. 1383/1974, A2 is the tax receipt. Hence point No. i is answered in favour of plaintiff.

6) **Point No. ii**) In the result, the OS 211/11 is decreed with cost as follows:-

i) The defendants are restrained from trespassing to plaint A schedule property and also restrained from encroaching into northern and eastern boundaries of plaint A schedule property and from committing any waste therein.

In OS 206/11 plaintiff was absent, hence the said suit is dismissed for default.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 16th day of January 2019.)

Sd/-

Dr. AMRITHA. T,
MUNSIFF

APPENDIX

Exhibits for the Plaintiffs

A1 08/04/1974 Copy of sale deed executed by Dasappan Pillai infavour of Gangadharan Pillai

A2 19/05/2010 Tax receipt

Exhibits for the Defendant Nil

Court Exhibits

C1 Commission report prepared by commissioner Adv. R. Bindu

Witness for the Plaintiff

PW1 09/01/2019 Gangadharan Pillai

Witness for the Defendant Nil

Id/-

MUNSIFF

//True copy//

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Typed by : Hareesh. P
Com pd by :