

**IN THE COURT OF MUNSIFF-MAGISTRATE, S. PARAVUR.**

Present:- Sri. M. Satheesan, B.A., LL.B., Munsiff-Magistrate.

*Dated: Wednesday 23<sup>rd</sup> day of November 2016, 02<sup>nd</sup> day of Margasirsha 1938.*

**O S 27/2015**

- Plaintiffs
1. : Jauharath Beevi, aged 70,  
D/o Fathima Beevi, Narayanazhikathil,  
Kottappuram Village, Paravur,  
Thekkumbhagam P.O., Kollam Taluk.
  2. : Nafeesa Beevi, aged 68,  
D/o Fathima Beevi, -do-
  3. : Sakkaria, aged 64,  
S/o Bahavudheen, -do-
  4. : Thaha, aged 61, S/o Bahavudheen, -do-
  5. : Muhammed Asharaf, aged 57,  
S/o Bahavudheen, -do-

*(By Adv. R. S. Mini and Adv. S. Babu)*

Defendants:-

1. : Sharafudheen, aged 65,  
D/o Abdul Latheef,  
Thekkumbhagam Chelakkunazhikom Veedu,  
Paravur, Kottappuram Village, Kollam Taluk.
2. : Adabi, aged 70, D/o Nabeesa Beevi,  
Residing at Attinpuram Thahira Manzil,  
Paravur, Kottappuram Village, Kollam Taluk.  
From Thekkum Bhagam Beena Manzil,  
Paravur, Kottappuram Village, Kollam Taluk.

3. : Alim, aged 46, S/o Shamsudheen,  
Residing at Attinpuram Thahira Manzil,  
Paravur, Kottappuram Village, Kollam Taluk.  
From Thekkum Bhagam Beena Manzil,  
Paravur, Kottappuram Village, Kollam Taluk.
4. : Beena, aged 44, D/o Adabi,  
Residing at Attinpuram Thahira Manzil,  
Paravur, Kottappuram Village, Kollam Taluk.  
From Thekkum Bhagam Beena Manzil,  
Paravur, Kottappuram Village, Kollam Taluk.
5. : Buhari, aged 42,  
S/o Shamsudheen,  
Residing at Attinpuram Thahira Manzil,  
-do-
6. : Niyaz, aged 40,  
S/o Shamsudheen,  
Residing at Attinpuram Thahira Manzil,  
-do-
7. : Migdad, aged 38,  
S/o Shamsudheen,  
Residing at Attinpuram Thahira Manzil,  
-do-
8. : Navas Khan, aged 36,  
S/o Shamsudheen,  
Residing at Attinpuram Thahira Manzil,  
-do-

*(By Adv. V. Sasidharan & Adv. D. Sathyapal  
for D1, D4, D6 to D8, Adv. B. Jayeshchandran  
for D5 and Adv. G. Rajendraprasad for D7 )*

This suit coming for hearing before me on 23-11-2016 and the  
court on the same day delivered the following:-

**J U D G M E N T**

Suit for setting aside documents and permanent prohibitory injunction.

2. The plaintiffs are the brothers and sisters.

3. The case of the plaintiff, in a nutshell, is that the 1<sup>st</sup> defendant executed a sale deed No. 5236/1999 on 24.12.99, in favor of the defendants over 8.35 Ares of land. On 31.12.99, the defendants 2 to 8 executed a partition deed No. 5345/99 whereby the A schedule property in the said deed was allotted to defendants 2 to 4 and 6 to 8 and the B schedule in the said deed to the 5th defendant. On 4.1.2000, defendants 2 to 4 and 6 to 8 executed another sale deed No. 55/2000 conveying the A schedule property in the partition deed No. 5345/99 through the SRO, Paravoor. The instrument Nos. 5236/99, 5345/99 and 55/2000 are sham documents and they are void ab initio. The defendants have no right over the property situate in old Survey Nos. 6827, 6837 or 3586 to execute the documents. If the above documents continue to subsist, it will wreak irreparable injury to the plaintiffs. Hence, the suit.

4. The defendants were set ex-parte and the suit was posted for ex-parte evidence to 21.11.16. On 21.11.16, plaintiff filed chief

affidavit and produced 4 documents.

5. The suit was proceeded under Order 8 Rule 10 CPC.

6. Heard the counsel for the plaintiff and the documents were marked Exts. A1 to A4.

7. Perused the pleadings in the plaint and Exts. A1 to A6. This court is convinced from the pleadings, Exts. A1 to A6 and other materials placed before this court by the plaintiff that the plaintiffs have proved their case and, therefore, they are entitled to get a decree, as prayed for in the plaint.

In the result, the suit stands decreed declaring that the documents No.5236/99, 5345/99 and 55/2000 of the SRO, Paravoor are null and void. The defendants are restrained by way of a permanent prohibitory injunction from obstructing the business being conducted by the plaintiffs in the plaint schedule property and from committing any other acts of waste therein.

Considering the facts, and in the circumstances of the case, there is no order as to costs.

(Dictated to the C.A, transcribed and typed by him corrected and pronounced by me in the open court, on this the 23<sup>rd</sup> day of November, 2016.)

Sd/-  
M. Satheesan  
Munsiff- Magistrate.

**APPENDIX:-**

**Exhibits for the Plaintiff:-**

- A1 - Certified copy of Deed No. 2754/1106
- A2 - Certified copy of Deed No. 5236/1991,  
dated 24-12-1999
- A3 - Certified copy of Deed No. 5345/1999,  
dated 31-12-1999.
- A4 - Certified copy of Deed No. 55/2000,  
dated 04-01-2000

**Exhibits for the Defendant:-** NIL

//True copy//

Id/-  
Munsiff- Magistrate.

Munsiff- Magistrate.

Typed by: Laisa S L.

Compared by: Sini