

IN THE COURT OF THE MUNSIFF MAGISTRATE, S. PARAVUR**Present:- Sri. M. Satheesan, B. A., LL.B., Munsiff – Magistrate***Wednesday 23rd day of December, 2015/ 02nd day of Pausham 1937.***O S 390/2014**

- Plaintiff : Noushad. J. M., aged 55 yrs.,
S/o Jamal Muhammed,
Habeeb Mahal, Kallambalam P.O.,
Thiruvananthapuram.
(By Adv. R. S. Mini and Adv. S. Babu)
- Defendants 1. : Anilkumar, aged 40 yrs.,
S/o Dharmarajan,
Anil Nivas, Chirakkara Thazhathu Cherry,
Chirakkara Village- 691578.
2. : Shajahan, aged 38 yrs.,
S/o Kassimkunju,
Kuzhiyil Veedu, Panthrandu Muri Cherry,
Thattamala P.O., Eravipuram Village.
3. : Thripathi, aged 33 yrs., W/o anilkumar,
Anil Nivas, Chirakkara Thazhathu Cherry,
Chirakkara Village- 691578.
4. : Ramabai, aged 56 yrs.,
D/o Rajammakutty,
Krishna Nivas, Koonayil Cherry,
Paravur- 691301.
- Addl. Defendant No. 5 : K. Mohan,
Secretary, Nadakkal Service Co-operative Bank,
Kalluvathukkal.

(Exparte)

Addl. Defendant No. 5 impleaded as per Order in I A 1157/15, dated 1-9-2015.

This suit coming for hearing before me on 23-12-2015 and on the same day the court delivered the following:-

J U D G M E N T

Suit for declaration.

2. Defendant were set exparte.
3. The plaintiff filed a proof affidavit in lieu of chief examination and produced six documents.
4. The suit is proceeded U/O VIII Rule 10 C P C.
5. Heard the learned counsel for the plaintiff and marked Exts. A1 to A6.
6. On a perusal of the pleadings in the plaint, averments in the chief affidavit and for Exts. A1 to A6, this court is convinced that the plaintiff is entitled to get a decree as prayed for in the plaint.

In the result, suit is decreed declaring the ownership of the plaintiff over the plaint schedule property since the sale deed No. 316/2012 I dated 20-01-2012 is devoid of legal validity. The plaintiff is allowed to evict the defendant from the plaint schedule property and recover from the defendants with mesne profit, allowing the plaintiff to fix the boundary of the plaint schedule property due to the help of a surveyor and constructing a compound wall with the intervention of the court.

The defendants restrained by way of a permanent prohibitory injunction from trespassing into the plaint schedule property, from committing any acts of waste, from making any new document and from inducting any strangers in the plaint schedule property.

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

(Pronounced by me in the open court on this the 23rd day of December, 2015)

Sd/-
M. Satheesan

Munsiff-Magistrate.

APPENDIX :**Exhibits for the Plaintiff:-**

- A1 - Sale Deed No. 4354/09, dated 06-11-2009.
- A2 - Certified copy of Deed No. 316/2012, dated 20-01-2012.
- A3 - Deed No. 3951/08, dated 18-8-2008.
- A4 - Photocopy of Agreement Deed, dated 17-05-2010.
- A5 - Land Tax Receipt, dated 29-06-2010.
- A6 - Letter from Village Officer, Meenad, dated 06-10-2012.

Exhibits for the Defendant:- NIL**Witness for the Plaintiff:-** NIL**Witness for the Defendant:-** NIL**Exhibits for the Court:-** NIL

Id/-

Munsiff - Magistrate

//True Copy//

Munsiff – Magistrate.

Typed by : Laisa S L.

Compared by :