

IN THE COURT OF THE MUNSIFF OF KANNUR

Present: Smt. Vandana.R., LL.M., Additional Munsiff.

Saturday, the 3<sup>rd</sup> day of August, 2019

(12<sup>th</sup> Sravana, 1941)

IA. No. 2384/19 In OS No. 290/19

- 1 P.M. Abdul Rasheed, S/o. Padikkal Mahamood, )  
aged 72 years, no occupation, residing at 'Safiyas', ) Petitioners/  
Jubilee Road, Thalassery. ) Plaintiff.
- 2 P.M. Abdul Sathar, S/o. Padikkal Mahamood, )  
aged 67 years, no occupation, residing at )  
P.M. House, near City High School, P.O. City, )  
Kannur-3. )

**Vs.**

- 1 Sanoop Satheesh, S/o. Satheeshkumar, )  
aged 39 years, Business, residing at 'Susandya', )  
Kannur 2 amsom, Kanathur desom, )  
Kannur-670001. )
- 2 Tom Mathew, S/o Thomas Mathew, )  
aged 41 years, Business, residing at ) Respondents/  
'Peediyekkal', P.O. Pallikunnu, Kannur-670004. ) Defendants.
- 3 Nambiar Jayaraj, S/o. KunhIRaman Nambiar, )  
aged 60 years, Business, residing at 'Edathara )  
House', P.O. Chokli, Chokli amsom, Nidumbram )  
desom, Thalassery Taluk, Kannur District. )
- 4 Favad Abdul Rasheed, S/o. Abdul Hameed, )  
aged 45 years, Business, residing at 'Firdous', )  
Kannur 1 amsom, Payyambalam desom, )  
P.O. Payyambalam, Kannur. )

- 5 Swaroop Satheesh, S/o. Satheeshkumar, )  
 aged 42 years, Business, residing at 'Susandya', )  
 Kannur 2 amsom, Kanathur desom, ) Respondents/  
 Kannur-670001. ) Defendants.
- 6 Vivek Vadakkan Valappil, S/o. Vijayan, )  
 aged 48 years, Business, residing at 'Bey )  
 Heights', Sreerosh Properties, Kannur 1 amsom, )  
 Payyambalam desom, P.O. Payyambalam, )  
 Kannur district. )

This petition coming on this day for hearing before me in the presence of S/Sri. M. Jameel Ahmed & O.G. Rakkee, Advocates for petitioners and respondents not entered in appearance, the court passed the following:-

## **ORDER**

This petition filed under Order XXXIX Rule 1 of CPC.

2. Heard.

3. On perusal of records, I am satisfied that petitioner has made out a prima facie case against the respondents. If notice is ordered, it will delay the object of granting injunction. Hence respondents are restrained by an order of ad interim injunction from trespassing into petition schedule building and demolish the same and interface with the peaceful possession of petition schedule property by the petitioner and his tenants until further orders. Respondents are also restrained from digging earth on the northern and western side of petition schedule property in such a way as to

cause damage to the building in petition schedule property and remove its lateral support until further orders. Comply clause (a)(b) of Order XXXIX Rule 3. Issue notice.

(Pounced by me in open Court, this the 3<sup>rd</sup> day of August, 2019)

**ADDITIONAL MUNSIFF.**

**mmh/-**

**Fair/Copy of  
Order in IA.2384/19  
In OS.290/19  
Dated: 03/08/2019.**



