

IN THE COURT OF THE MUNSIFF OF KUTHUPARAMBA

Present:- Sri. Fayiz.T, Munsiff

Friday, the 4th day of March, 2022/13th Phalguna, 1943.

ORIGINAL SUIT No. 8 OF 2020

1.	Paneri Hameed, S/o. Abu Haji, Aged 63 years, Business, Residing at Theruvath in Thahira Manzil, (New No.XXXII/45), Chavassery amsom desom, Iritty Municipality, Iritty Taluk, Kannur District, (PO) Chavassery, Pin 670 702.	]	Plaintiffs.
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		]	
		]	
		]	
2.	Elamba Puthiya Veettil Thahira, D/o.Ibrahim, Aged 42 years, Residing at Theruvath in Thahira Manzil, Chavassery amsom desom, Iritty Municipality, Iritty Taluk, Kannur District, (PO) Chavassery, Pin 670 702.	]	Plaintiffs.
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		]	
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		]	
Vs.			
1.	P.T.Fathima, D/o.Kunhali, Aged 34 years, No occupation, Residing at Theruvath House, (PO) Chavassery, Chavassery amsom desom, Iritty Taluk, Kannur District.	]	Defendants.
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		]	
2.	P.T.Soujath, D/o.Kunhali, Aged 30 years, No occupation, Residing at Theruvath House, (PO) Chavassery, Chavassery amsom desom, Iritty Taluk, Kannur District.	]	
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		]	
3.	P.T.Zeenath, D/o.Kunhali, Aged 28 years, Residing at Theruvath House, (PO) Chavassery, Chavassery amsom desom, Iritty Taluk, Kannur District.	]	
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		]	
		]	
4.	V.Nabeessu D/o.Moidu, Aged 75 years, No occupation, Residing at V House, Theruvath, (PO) Chavassery, Chavassery amsom desom, Iritty Taluk, Kannur District.	]	
		]	
		]	
5.	Nashida, D/o.V.Nabeesu Aged 30 years, No occupation, Residing at V House,	]	
		]	
		]	

	Theruvath, (PO) Chavassery, Chavassery amsom desom, Iritty Taluk, Kannur District.	]	
		]	

This suit coming on the 26th day of February, 2022 for hearing before me in the presence of Sri.V.P.Mahamood, Balakrishnan Padinharath and U.Geetha, Advocates for the Plaintiffs; of the Defendants No.4 and 5 did not appear, so they were set ex parte; of the defendants 1 to 3 did not appear at the time plaintiff's evidence and there was no representation for them, so they were also set ex parte and having stood over for consideration till this day; the court delivered the following:

J U D G M E N T

This is a suit for permanent prohibitory injunction restraining the defendants 1 to 3 and their men from their attempt to obstruct the plaint 'B' schedule way, which leads to the house and property of the plaintiffs.

2. The plaint averments in brief are as follows:- The plaint 'A' schedule property belongs to the plaintiffs as per Document No.345/2016 of S.R.O., Uliyil. The plaint 'B' schedule property is the only way to the plaint 'A' schedule property. The plaintiffs have easement of necessity over the plaint 'B' schedule property for ingress to egress from the plaint 'A' schedule property. The defendants 1 to 3 attempted to obstruct the plaint 'B' schedule way. Hence the suit for permanent prohibitory injunction.

3. Though summons was served on the defendants 4 and 5, they did not appear. So they were set ex-parte.

4. Though the defendants 1 to 3 appeared, they did not file written statement. When the case was posted for the plaintiffs' evidence, the defendants 1 to 3 did not appear and there was no representation for them. So they were set ex-parte.

4. In order to prove the case of the plaintiffs, the 1st plaintiff filed affidavit in lieu of examination in chief and Exts.A1 to A5 and Exts.C1 and C2 were marked.

5. Heard.

6. The unchallenged affidavit in lieu of examination in chief and the documents marked on the side of the plaintiffs have proved their case. So the plaintiffs are entitled to get a decree of permanent prohibitory injunction.

In the result,

The suit is decreed as follows:-

1. The defendants 1 to 3 and their men are restrained by a decree of permanent prohibitory injunction from their attempt to obstruct the plaint 'B' schedule way, which leads

to the house and property of the plaintiffs.

2. The plaintiffs are entitled to get costs of the suit from the defendants 1 to 3.

(Dictated to the confidential Assistant, transcribed by her, corrected and pronounced by me in open court this the 4th day of March, 2022).

M U N S I F F .

Appendix:-

Plaintiff's Witnesses:-

PW1 : Sri.Paneri Hameed

Plaintiff's Exhibits:-

A1.	11-02-2016	Copy of Doc. No.345/2016 of the SRO, Uliyil.
A2.	08-07-2019	Basic Land Tax Receipt in the name of Sri. Paneri and Smt. Elamba Puthiyaveettil Thahira issued by the Village Office, Chavassery.
A3.	26-06-2019	Property Tax Receipt in the name of Sri. Paneri and Smt. Elamba Puthiyaveettil Thahira issued by the Iritty Municipality..
A4.	21-11-2011	Possession Certificate in the name of Thazhevalappil Noushad issued by the Village Office, Chavassery.
A5.	27-10-1983	Copy of Doc. No. 2025/1983 of the SRO, Uliyil.

Defendant's Witnesses:- Nil.

Defendant's Exhibits:- None.

M U N S I F F .

PM.

Fair/Copy of Judgment
in **OS No.8/2020.**

Dated : **05-03-2022.**