

**IN THE COURT OF THE MUNSIF, KANJIRAPPALLY**  
**Present : Smt. Smitha Susan Mathew, Munsiff**

Tuesday 31<sup>st</sup> day of March 2026  
10<sup>th</sup> day of Chaithra 1948

**O.S. 308/2023**

**Plaintiff:-**

Gracykuty George, W/o Varkey George,  
Aged 60 Years, residing at Cheripurath House,  
Elangulam Village, Elangulam Kara, Kanjirappally  
Taluk, Koorali P.O., PIN: 686 522, Kottayam District.

**By Adv. M.C. Skariah & Adv. B. Bijoy.**

**Defendant:-**

C.K. Viswanathan, S/o Kesavan, Aged 70 Years,  
residing at Kumbukkal House, Chirakkadavu Village,  
Chirakkadavu Kara, Kanjirappally P.O.,  
Kanjirappally Taluk, Pin - 686 507.

**By Adv. E.S. Rajesh.**

This suit having been finally heard on 27.03.2026 and the  
Court on 31.03.2026 delivered the following:-

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

Suit for permanent prohibitory injunction.

**2. The plaint averments, in brief, are as, follows:-** Plaint  
schedule item No.1 property having an extent of 14.90 ares  
comprised in resurvey No.158/2, Block No.17, Chirakkadavu Village,  
Kanjirappally and a residential building belongs to plaintiff by virtue  
of sale deed No.4870/1995 of the SRO, Kanjirappally. The plaint  
schedule property is in the absolute possession and enjoyment of the

plaintiff. Now, the plaintiff had given license to Bindu, Vadakkedathu to reside therein for a short period. The defendant had real estate business with the husband of plaintiff 12 years ago. Defendant alleges that plaintiff's husband owed certain amount to defendant. On 15.10.2023, defendant threatened that he would trespass on the plaint schedule property and would take possession of the same. The defendant is not having any right over the plaint schedule property. Hence the suit.

**3. Defendant filed written statement contending as follows;**

Defendant denied all the allegations in the plaint. Plaintiff and her husband promised that the plaint schedule property will be transferred to him and one Bindu, who is under the care and protection of defendant, and received advance sale consideration. But plaintiff failed to do so. The property is now in the possession of Bindu. The plaintiff, after handing over the possession of plaint schedule property, is evading execution of sale deed in favour of Bindu and defendant. Defendant filed a petition before the police and the police could not arrest as the husband of the plaintiff obtained anticipatory bail. The suit is filed with intention to take the wrongful possession of the plaint schedule property and deactivate the police enquiry with respect to the property. Plaintiff has no right or possession over the property. Hence he seeks for dismissal of the suit.

**4. Following issues are settled for determination;**

1. Is the plaintiff entitled to get a decree of permanent prohibitory injunction as prayed for ?
2. Reliefs and costs.

5. PW1 to PW3 were examined and Ext.A1 to Ext.A8 were marked from the side of plaintiff. Exts. C1, C1(a) were also marked. No oral or documentary evidence adduced from the side of defendant.

**6. Issue No.1:-** Power of attorney holder of plaintiff was examined as PW1. Ext.A1 is the power of attorney executed by plaintiff in favour of PW1. He produced Ext.A2, sale deed No.4870/1995, Exts. A3 to A6, land tax receipts dated 01.04.2023, 22.06.2011, 01.04.2024 and 01.04.2025 respectively. These documents and the oral evidence of PW1 would show that plaintiff is in title and she has been paying land tax for the property. Exts.A7 and A8 are the possession certificates dated 19.10.2023 and 14.01.2026 respectively issued by Village Officers of Chirakkadavu Village. PW3 is the present Village Officer of the said Village. He deposed that he issued Ext.A8 after verifying the records in the village and due inspection of the property. Exts. C1, C1(a) are the mahazar and sketch prepared by PW2, the Commissioner Advocate. Ext.C1 report would show that one Bindu and her children are residing in the plaint schedule property. Exts.A1 to A8 would show that plaintiff is in title and possession of plaint schedule property. Defendant contends that plaintiff agreed to sell the plaint schedule property and the building therein to defendant and obtained advance sale consideration. Defendant did not appear before the court. He could not produce any documents to show that plaintiff and himself entered into an agreement for sale of the plaint schedule property. He had not stated the sale consideration, the date of agreement or the advance sale consideration allegedly received by the plaintiff. He could not produce any documents to establish his

contentions. Hence defendant failed to rebut the evidence adduced by the plaintiff. The plaintiff is entitled to get a decree of permanent prohibitory injunction as prayed for and the issue is answered accordingly.

**7. Issue No.2:-**

**In the result, the suit is decreed as follows:-**

1. A decree of permanent prohibitory injunction is granted  
restraining the defendant from trespassing on plaint schedule property, obstructing the peaceful enjoyment of plaint schedule property and committing waste therein.
2. Plaintiff is entitled to get the costs of the suit from defendant and his assets.

Dictated to the Confidential Assistant, typed by him, corrected by me and pronounced in open court on this the 31<sup>st</sup> day of March, 2026.

**SMITHA SUSAN MATHEW  
MUNSIFF**

**APPENDIX**

**Exhibits marked for the Plaintiffs:-**

A1	12.10.2023	Power of Attorney
A2	20.09.1995	Certified copy of Sale Deed No. 4870/95.
A3	01.04.2023	Tax receipt, Thandaper No. 6585 issued from Village Office, Chirakkadavu.

A4	22.06.2011	Tax Receipt, Thandapper No. 17/6585, Receipt No.2332133 issued from Chirakkadavu Village Office.
A5	01.04.2024	Tax Receipt, Thandapper No. 6585, issued from Chirakkadavu Village Office.
A6	01.04.2025	Tax Receipt, Thandapper No. 6585, issued from Chirakkadavu Village Office.
A7	19.10.2023	Possession Certificate No. 81171159 issued from Chirakkadavu Village Office.
A8	14.01.2026	Possession Certificate No.99439039 issued from Chirakkadavu Village Office.

**Exhibits marked for the Defendant:-** Nil

**Court Exhibits:-**

C1	30.11.2023	Mahazar prepared by Commissioner Advocate Mary Juliet Tom.
C1(a)	30.11.2023	Sketch prepared by Commissioner Advocate Mary Juliet Tom.

**Third party Exhibits:-** Nil

**Witnesses Examined for the Plaintiff:-**

PW1	11.02.2026	Varkey George
PW2	18.03.2026	Adv. Mary Juliet Tom
PW3	23.03.2026	Pramod M.R.

**Witness examined for the defendants:-** Nil

*Id/-*

**MUNSIFF**

Typed By : Jayamol. V.M.

Compd. By : Rajalakshmi T.P.

**MUNSIFF**