

**IN THE COURT OF THE MUNSIFF, ERATTUPETTA**

**Present :- Sri. Krishna Prabhan R., Munsiff**

**Monday 16<sup>th</sup> day of March 2026**

**25<sup>th</sup> day of Phalguna 1947**

**OS 120/2025**

**Plaintiff :-**

Jerin M George, aged 50 years, S/o Chacko, Madickankal House,  
Koottickal Kara, Koottickal P.O, PIN 686514, Mundakkayam Village.

By Adv. V.N Sasidharan.

**Defendants:-**

1. P.Y Abdul Latheef, aged about 60 years, S/o Yoosuf, Panickaveettil,  
Enthayar P.O, Enthayar Kara, Koottickal Village, PIN 686514.
2. Finesh P.H, aged 45 years, S/o Hamsa, Parackal House, Enthayar P.O,  
Enthayar Kara, Koottickal Village, PIN 686514.

Set exparte.

This suit has been finally heard on 16.03.2026 and the court on the same day delivered the following:-

## JUDGMENT

1. The suit is for permanent prohibitory injunction.

**2. The averments in the plaint in brief are as follows :**

The plaint Schedule Item No. 1 property was obtained by the plaintiff by virtue of Settlement Deed No. 1273/2018 of SRO, Poonjar. The said property is well defined and clearly demarcated on all its four sides. The plaintiff has obtained a valid building permit from the Koottikal Grama Panchayat for the construction of a shopping complex in the plaint Schedule Item No. 1 property. The plaintiff is carrying out the construction strictly in accordance with the terms and conditions stipulated in the said permit. The plaint Schedule Item Nos. 2 and 3 are the tin sheet screen and green net installed along the eastern and western boundaries of the plaint Schedule Item No. 1 property. The 1st defendant is proposing to purchase property situated on the eastern side of the plaint Schedule Item No. 1 property. The 2nd defendant is a close relative of the 1st defendant. The plaintiff is presently working abroad. For the past several months, the defendants have been maintaining inimical relations with the plaintiff.

3. Taking advantage of the absence of the plaintiff, the defendants have been attempting to trespass into the plaint Schedule Item No. 1 property and have also threatened to demolish and destroy the plaint Schedule Item Nos. 2 and 3 properties. The defendants have absolutely no manner of right, title, possession, or interest over the plaint schedule properties and are not entitled to interfere with the plaintiff's peaceful possession and enjoyment of the same. Hence, this suit is filed seeking to restrain the defendants from trespassing into the plaint Schedule Item No. 1 property or from demolishing or causing any damage to the plaint Schedule Item Nos. 2 and 3 properties or from committing any acts of waste therein.

4. Though summons were duly served on both the defendants, they failed to appear before this Court. Hence, the case was proceeded against them as ex-parte.

5. On the date fixed for evidence, the power of attorney holder of the plaintiff was present and examined as PW1. Exhibits A1 to A3, C1 and C1(a) were marked on the side of the plaintiff. Exhibit A2 shows that the plaintiff has obtained title over the plaint Schedule Item No. 1 property.

6. Exhibit A3 is the tax receipt which evidences that the plaintiff is in possession and enjoyment of the said property. Exhibit C1 is the Commission Report submitted by the Advocate Commissioner, which shows that the Advocate Commissioner had identified the plaint Schedule Item No. 1 property. The Commissioner has reported that tin sheet screens are erected on the eastern and western boundaries of the plaint Schedule Item No. 1 property, corresponding to plaint Schedule Item Nos. 2 and 3. The oral testimony of PW1 remains unchallenged and unrebutted, as the defendants have not appeared before the Court to contest the case.

**7. In the result, the suit is decreed with costs as follows:**

1. The defendants, their men, agents, and anybody claiming under them are hereby restrained from trespassing into the plaint Schedule Item No. 1 property or from causing any obstruction to the lawful construction activities being carried on therein by the plaintiff.
2. The defendants are further restrained from demolishing or destroying the plaint Schedule Item Nos. 2 and 3 properties or from committing any acts of waste therein.

Dictated to the Confidential Assistant, typed by her corrected by me, pronounced in the open Court on this the 16<sup>th</sup> day of March , 2026.

Sd/-  
Krishna Prabhan R.,  
Munsiff

**APPENDIX :-****Exhibits Marked for Plaintiff:**

A1	06.05.2024	General power of attorney.
A2	11.09.2018	Certified filed copy of sale deed No.1273/18 of SRO Poonjar.
A3	26.05.2025	Land tax receipt No. KL05020902254/25 issued from Village office, Koottickal.

**Exhibits Marked for Defendants:- Nil****Court Exhibits:-**

C1	19.09.2025	Commission report filed by Adv. Leelamma Chacko.
C1(a)	19.09.2025	Rough sketch in Ext. C1.

**Third Party Exhibits:- Nil****Witness Examined for Plaintiff:-**

PW1	13.03.2026	George P Mathew (Proof affidavit)
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**Witness Examined for Defendants:- Nil****Court witness examined:- Nil**

Id/-  
Munsiff